

## Section I

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

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-66 Relocation Assistance Regulations

RULE NO.: RULE TITLE:

14-66.007 Relocation Assistance Program

PURPOSE AND EFFECT: This rule chapter is being amended to include revised definitions, clarification of language, updating the incorporated regulations regarding relocation assistance, and incorporation of an application form.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Rule 14-66.007, F.A.C.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 339.09(2), (3), 421.55 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 IS: James C. Myers, 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:

14-66.007 Relocation Assistance Program.

Pursuant to Sections 339.09(2) and (3), and 421.55, F.S., the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects.

(1) The purpose of this rule is to ~~govern promulgate regulations governing~~ the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of a transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole, and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any applicable transportation project on which negotiations for right-of-way acquisition begin after the effective date of this rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs Regulations (effective October 1, 2006 ~~March 15, 1999~~), as modified

herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) That are federalized;

(b) For which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) That are on the State Highway System; or

(d) That are intended to be on the State Highway System.

(2) This rule does not apply to projects on or intended to be on the State Highway System, ~~which are~~ funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System.

(3) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or ~~municipality office~~, department (including the Florida Department of Transportation), division, board, bureau, office, commission, or other separate unit of government created or established by law and any other public or private entity, person, partnership, corporation, or business entity acting on behalf of any Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is separated from the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a remuneration made to displaced persons for personal property that cannot be moved or which the displaced person chooses not to move, ~~and is in the form of either of the following:~~

~~1. On-Premise Signs remuneration is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be moved without violating local, state, or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.~~

~~2. Tangible Personal Property remuneration is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item; there shall be no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is~~

~~claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)~~

(e) ~~“Displaced Person” or “Person” shall mean anyone person who, pursuant to this rule, moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. Part 24.2 and is used interchangeably with “displacee” and “relocatee.”~~ Displaced person shall include an individual, partnership, corporation, association or other entity.

(f) ~~“Displacement Dwelling” shall mean the dwelling from which a displaced person is required to move due to a transportation project.~~

(g) ~~“Displacement Site” shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.~~

(h) ~~“Domicile” shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.~~

~~(i) “Family” shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.~~

~~(j)(+) “Federalized Project” shall mean any project with federal participation in any project phase.~~

~~(j)(k) “Gross Household Monthly Income” shall mean total income received for a 12 month period from sources (earned and unearned) including, such as salaries, wages, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from business. It does not include income received or earned by dependent children and full time students under 18 years of age and all other amounts, whether in cash or in kind, paid or given to the displaced person.~~

~~(k)(+) “Initiation of Negotiations” shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.~~

~~(l)(m) “Major Exterior Attribute” shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).~~

~~(m)(n) “Market/Economic Rent” shall mean the Agency’s determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.~~

~~(o) “Person” shall mean any individual, family, partnership, corporation, or association.~~

~~(n)(p) “Personal Property” shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.~~

~~(p)(q)~~ “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is confirmed as correct by the Agency’s representative and the displaced person(s).

~~(p)(r)~~ “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed by the displaced person(s).

~~(q)(s)~~ “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.

(4) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. Part 24.205.

(5) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her:

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The Notice of Eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants; and

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained.

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment for which the displaced person is eligible;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered; and

3. A statement of the occupancy requirement necessary for obtaining the full amount of the payment.

(6) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a) Comparable replacement dwellings shall be available or provided for each displaced person and such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues; and

(b) The relocation program provides orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R. Part 24, and these regulations.

(7) Moving and Related Expenses. Any ~~person, family, business, farm operation, or non-profit organization which qualifies as a~~ displaced person is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity ~~from a reputable moving firm~~. If ~~the estimate obtained by the agency is~~ charges ~~submitted by the commercial moving firm~~ are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) When the cost of moving personal property from a residential or non-residential property is expected to exceed \$10,000, at least two estimates of moving costs shall be obtained by the Agency or the displaced person(s) at the Agency's discretion. A commercial mover shall not be authorized to begin a move until such estimates have been obtained. Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the Agency or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or an qualified Agency employee shall be sufficient at the Agency's discretion.

(c) Moves ~~that which~~ require special handling of items to be moved, or subcontracted labor, will be monitored by the Agency Department. In moves of specialty operations, such as plant nurseries or industrial plants, a specialist may be hired to provide the required monitoring. A detailed monitoring report will include:

1. Date and time of report;
2. Location, such as acquired or replacement site;
3. Number and types, ~~such as general laborer, foreman,~~ of personnel, such as general laborer or foreman, actually involved in the move, including time period each worked;
4. Equipment being used in the move;
5. Quantity of inventory moved during the monitoring period;
6. Special services performed, such as electrical, plumbing, etc., with breakdown as to work done per item, per length of time;
7. Unusual circumstances or special conditions affecting the move during the reporting period; and

8. Advisory services provided during the monitoring period.

(d) When a move is monitored, eligibility for payment shall be contingent on an executed written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;
2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and
3. The displaced person's list of items to be moved.

(e) The displaced person shall provide the Agency with, or allow the Agency to take, pre-move and post-move inventories. ~~The If the pre-move and post-move inventories differ,~~ the Agency will reimburse only costs associated with the actual personal property actually moved.

(f) After the displaced person receives actual direct loss payment for the items, upon request by the Agency, the displaced person shall transfer to the Agency ownership of personal property that has not been moved, sold, or traded. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be included in the calculation of eligible for Relocation Assistance benefits.

(g) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is entitled to neither payment for moving said personal property nor payment for direct loss upon its abandonment.

(h) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(i) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(j) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(k) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses, as provided by 49 C.F.R. ~~Parts 24.301 303~~ and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. ~~Part 24.305 306~~(a) and (b).

(l) All pollutants or contaminants, as defined in Chapters 376 and 403, F.S., which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with 49 C.F.R. and Chapters 376 and 403, F.S. ~~those Chapters.~~

1. The Department shall pay the lesser of the cost of disposal or the cost to move, except in cases where materials cannot be moved in accordance with governing regulations. In

~~such cases, the Agency will pay the cost of proper disposal. The displaced person shall be responsible for the actual disposal of such material if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.~~

~~2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.~~

~~2.4. If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable, and necessary extra costs associated with the unscheduled move.~~

~~(m) All underground or above-ground storage tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Chapter 376, F.S., and rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above-ground storage tanks.~~

~~1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.~~

~~2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. In cases where the owner/operator is required by Chapter 376, F.S., and/or rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above-ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal.~~

~~(n) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.~~

~~(o) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste~~

~~which is required to be disposed of in accordance with Chapter 403, F.S., and Title 40 C.F.R. Part 262, shall be disposed of at the sole cost of the individual or business before the subject site is vacated.~~

(8) Replacement Housing Payments. Persons ~~Individuals~~ and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant in accordance with ~~if he or she meets the~~ criteria of 49 C.F.R. Part 24, Subpart E.

(b) Typical Homesite Determination.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established as a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

~~6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.~~

(c) Displaced persons(s) are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. The total rental assistance payment to a 180-day owner (a person who has occupied the residence for at least 180 days prior to the Agency making an offer to purchase it) is determined by calculating the difference between the market rent and average monthly utilities costs for the acquired dwelling and the actual rent and estimated monthly utilities costs of a comparable rental dwelling available on the market. Under no circumstances would the rental assistance payment exceed the amount that could have been received if the 180-day owner remained under an ownership status, may not exceed \$5,250, unless the calculated purchase additive or

~~mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing;~~

~~3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.~~

(d) Single Household, Multiple Occupancy: If two or more displaced persons occupying eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more displaced persons occupying eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more displaced persons occupying eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall be entitled to only one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner-occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant (persons who own or rent and occupy a dwelling for at least 90 days prior to the Agency making an offer to purchase it) displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling, subject to the following:-

1. The full amount of the replacement housing payment for down-payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses. ~~Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.~~

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance eligibility calculated and is no more than \$5,250, the payment will be increased to \$5,250 shall be for the amount of the actual required down payment. ~~If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.~~

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

~~4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person, he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid for the replacement dwelling.~~

~~4.5-~~ The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

~~5.6-~~ The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants are eligible to ~~may~~ receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants are entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be in occupancy at the time the Agency obtains title to the property. The displaced person will ~~can~~ be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person, or if the Agency determines that in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

~~(k) The Agency shall inform a less than 90 day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under paragraph 14-66.007(7)(j), unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.~~

(9) Mobile Homes. ~~In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply: (a) Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.~~

~~(a)(b)~~ If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

~~(b)(e)~~ If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

~~(c)(d)~~ If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner-occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be the ~~the~~ lesser of:

~~1.a-~~ The reasonable cost of a comparable replacement dwelling; or

~~2.b-~~ The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

~~3.2-~~ Minus the higher of:

a. The salvage value, or

b. The trade-in value.

~~(d)~~(e) If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

~~(e)~~(f) If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary requirements set forth in 49 C.F.R., Part 24.2(a)(8) or applicable local housing standards.

~~(f)~~(g) If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(10) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each displaced person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement dwelling. Eligible expenses, except mortgage interest differential payments, are reimbursable regardless of the length of time a mortgage has been in effect on the displacement acquired dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling, and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The ~~eligible~~ displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also certify the date that the replacement dwelling was occupied and shall state that to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence ~~thereof of low funds~~, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree to a condemnation clause that has been incorporated into Department Form 575-040-14, Application and Claim for Replacement Housing Payment, Rev. 08/05, incorporated herein by reference. Copies of Form 575-040-14 are available at <http://www2.dot.state.fl.us/proceduraldocuments/forms/forms.asp> in the written claim for payment. The ~~condemnation clause requires:~~

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person.

~~(11) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing notice of appeal rights in accordance with Sections 120.569 and 120.57, F.S., and Rule Chapter 28-106, F.A.C. The aggrieved person may file a request for administrative hearing.~~

~~(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.~~

~~(b) All requests for administrative hearings shall conform to the requirements of Rule Chapter 28-106, F.A.C., and be in accordance with Chapter 120, F.S. Requests may be for a formal hearing in accordance with Section 120.57(1), F.S., or an informal hearing pursuant to Section 120.57(2), F.S. Requests for an administrative hearing shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency issuing the denial.~~

Specific Authority 334.044(2) FS. Law Implemented 339.09(2), (3), 421.55 FS. History--New 8-9-72, Formerly 14-66.07, Amended 11-24-92, 12-7-00, \_\_\_\_\_.

**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."

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water – A Regional Water Supply Authority**

RULE NO.: 49B-1.008  
 RULE TITLE: Registered Office, Office Hours and Copies of Documents

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. This rule provide for the address of the registered office of Tampa Bay Water and specific responsibilities that the Board of Directors has delegated to the General Manager. The address of the registered office of Tampa Bay Water has changed and the Board of Directors has increased the dollar amounts of materials and services that the General Manager can secure without Board approval, and the amount in controversy relating to the settlement of regulatory and legal actions that the General Manager can act on with concurrence of the General Counsel and the Chairman.

SUBJECT AREA TO BE ADDRESSED: The address of the registered office of Tampa Bay Water.

SPECIFIC AUTHORITY: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

LAW IMPLEMENTED: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 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: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.008 Registered Office, Office Hours and Copies of Documents.

(1) The registered office of Tampa Bay Water is:

2575 Enterprise Road  
Clearwater, Florida 33763-1102  
~~2535 Landmark Drive, Suite 211~~  
~~Clearwater, Florida 34621~~

(2) through (3) No change.

Specific Authority 119.07, 123.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. Law Implemented 119.07, 120.53(1)(a), (5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. History--New 1-11-81, Formerly 16M-1.08, Amended 5-8-88, 3-6-91, 5-24-93, Formerly 16M-1.008, Amended \_\_\_\_\_.



**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water – A Regional Water Supply Authority**

RULE NO.: 49B-1.011  
 RULE TITLE: Delegation of Authority by the Board of Directors

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. This rule provide for the specific responsibilities that the Board of Directors has delegated to the General Manager. The Board of Directors has increased the dollar amounts of materials and services that the General Manager can secure without Board approval, and the amount in controversy relating to the settlement of regulatory and legal actions that the General Manager can act on with concurrence of the General Counsel and the Chairman.

SUBJECT AREA TO BE ADDRESSED: Delegation of authority to the General Manager.

SPECIFIC AUTHORITY: 120.53, 163.01(5)(h) FS.

LAW IMPLEMENTED: 373.1962 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: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.011 Delegation of Authority by the Board of Directors.

The Board of Directors, as head of Tampa Bay Water, have delegated authority as follows:

(1) To the General Manager to hire or terminate the employment of any employee; to recommend and maintain personnel rules which shall be made available for public inspection; to secure services, labor or material costing \$50,000.00 or less; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; to represent Tampa Bay Water at public hearings; to serve as the registered agent of Tampa Bay Water; and to act in accordance with Board direction on behalf of the Board with the concurrence of the General Counsel and Chairman in matters relating to settlement of regulatory and legal actions when the total amount in controversy does not exceed \$50,000.00, settlement of property acquisition matters, initiation of legal action, and referral of amended requests for hearing to the Division of Administrative Hearings.

(2) No change.

Specific Authority 163.01(5)(h) FS. Law Implemented 373.1962 FS. History–New 1-1-81, Formerly 16M-1.11, Amended 5-8-88, 3-6-91, Formerly 16M-1.011, Amended 7-29-97, 12-21-04,\_\_\_\_\_.

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water – A Regional Water Supply Authority**

RULE NO.: 49B-1.0131  
 RULE TITLE: Public Information and Inspection and Copying of Records

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. These rules provide for the address of the registered office of Tampa Bay Water. The address of the registered office of Tampa Bay Water has changed and must be revised.

SUBJECT AREA TO BE ADDRESSED: The address of the registered office of Tampa Bay Water.

SPECIFIC AUTHORITY: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

LAW IMPLEMENTED: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 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: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.0131 Public Information and Inspection and Copying of Records.

(1) Requests for information, disclosure of public records, or copies of public records shall be directed to the General Manager of Tampa Bay Water at the following address:

Tampa Bay Water  
2575 Enterprise Road  
Clearwater, FL 33763-1102  
~~2535 Landmark Drive, Suite 211~~  
~~Clearwater, FL 34621~~

(2) through (4) No change.

Specific Authority 119.07(1)(a), (b), 120.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. Law Implemented 119.021, 119.07(1)(a), (b), 120.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. History–New 5-17-93, Formerly 16M-1.0131, Amended\_\_\_\_\_.

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water – A Regional Water Supply Authority**

RULE NO.: 49B-2.038  
 RULE TITLE: Personnel Rule Manual Incorporated by Reference

PURPOSE AND EFFECT: Rule 49B-2.038, F.A.C., currently incorporates by reference the Personnel Rule Manual of Tampa Bay Water. Tampa Bay Water proposes to update its Personnel Rule Manual in order to ensure compliance with certain Federal laws and regulations, State statutes, and other regulations and restrictions, and to provide policy guidance for the agency.

SUBJECT AREA TO BE ADDRESSED: Personnel policies and procedures.

SPECIFIC AUTHORITY: 163.01(5)(g) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 373.1962, 373.1963 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: Holly Wells, Manager, Human Resources, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-2.038 Personnel Rule Manual Incorporated by Reference.

The Tampa Bay Water “Personnel Rule Manual,” dated November 30, 2006 ~~July 15, 2004~~, is hereby incorporated by reference into this chapter and is available from Tampa Bay Water upon request.

Specific Authority ~~163.01(5)(g)(4)~~ FS. Law Implemented 120.54(1)(i), 163.01, 373.1962, 373.1963 FS. History–New 7-29-97, Amended 9-17-01, \_\_\_\_\_.

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water – A Regional Water Supply Authority**

RULE NO.: 49B-3.003  
 RULE TITLE: Purchasing Policy and Procedures Manual Incorporated by Reference

PURPOSE AND EFFECT: Chapter 49B-3, F.A.C., currently contains Tampa Bay Water’s policies and procedures relating to the purchase of commodities and services. Tampa Bay Water proposes to update its current rules, policies, and procedures relating to purchasing commodities and services in the form of a Purchasing Policy and Procedures Manual and incorporate by reference this manual into Chapter 49B-3, F.A.C., and repeal existing Rules 49B-3.001, 49B-3.002 and 49B-3.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Purchase of commodities and services.

SPECIFIC AUTHORITY: 163.01(5)(i) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 287.017, 287.055, 287.057, 373.1962, 373.1963 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: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-3.003 Purchasing Policy and Procedures Manual Incorporated by Reference.

The Tampa Bay Water “Purchasing Policy and Procedures Manual,” dated December 18, 2006, is hereby incorporated by reference into this chapter and is available from Tampa Bay Water upon request.

Specific Authority 163.01(5)(i) FS. Law Implemented 120.54(1)(i), 163.01, 287.017, 287.055, 287.057, 373.1962, 373.1963 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

|               |  |
|---------------|--|
| RULE NOS.:    | RULE TITLES:                             |
| 61G15-20.001  | Definitions                              |
| 61G15-20.0015 | Application for Licensure by Endorsement |
| 61G15-20.007  | Demonstration of Substantial Equivalency |

PURPOSE AND EFFECT: The purpose of the amendment to these rules is to resolve difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic.

SUBJECT AREA TO BE ADDRESSED: Definitions; Application for Licensure by Endorsement; and Foreign Degrees.

SPECIFIC AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) "Year" shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), ~~programs approved by ABET as substantially equivalent to EAC/ABET accredited programs in the United States approved by the Board of Professional Engineers as substantially equivalent to an EAC/ABET accredited engineering program pursuant to Rule 61G15-20.007, F.A.C., or~~

(b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who either:

(i) Holds a post-baccalaureate degree from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, or

(ii) Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant can articulate a baccalaureate in engineering by demonstrating substantial equivalency to an EAC/ABET accredited program pursuant to subsection 61G15-20.007(2), F.A.C., or

(c) No change.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History--New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05,\_\_\_\_\_.

61G15-20.0015 Application for Licensure by Endorsement.

(1) through (2) No change.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations more than five (5) times after October 1, 1992, and/or more than three (3) times after July 1, 2004, must document compliance with ~~Rule subsection~~ 61G15-21.007(2), F.A.C., as a condition of eligibility for licensure by endorsement.

(4) An applicant for licensure by endorsement whose only educational deficiency under subsection 61G15-20.007(2), F.A.C., involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.

(5) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree from a foreign institution has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.

~~(6)(5)~~ An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must ~~establish that he or she~~ meets all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

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

61G15-20.007 Demonstration of Substantial Equivalency Foreign Degrees.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET foreign institutions shall be required to document "substantial equivalency" to an EAC/ABET accredited engineering program. ~~the 2002 ABET Accreditation Yearbook for Accreditation Cycle Ended September 30, 2002 engineering criteria. This document is hereby incorporated by reference.~~

(2) In order to document and prove "substantial equivalency" to an EAC/ABET accredited engineering program, the applicant must demonstrate:

(a) 32 college credit hours of higher mathematics and basic sciences.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.

2. As for The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and

advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

(b) 16 college credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses in technology and human affairs, history of technology, professional ethics and social responsibility are also acceptable. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved traditional engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) No change.

(3) No change.

(4) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, FL 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc., or Center for Professional Engineering Education Services.

(5) Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2).

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,\_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Engineers

RULE NO.:

RULE TITLE:

61G15-22.0105

Standard for Laws and Rules Courses

PURPOSE AND EFFECT: Purpose and effect are to set standards for continuing education courses on Florida laws and rules governing the practice of engineering.

SUBJECT AREA TO BE ADDRESSED: Standard for Laws and Rules Course Providers.

SPECIFIC AUTHORITY: 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 471.017(3), 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 61G15-22.0105 Standards for Laws and Rules Courses.

Each course provider approved by the Board to conduct courses in Florida Laws and rules must meet the requirements of Rule 61G15-22.011, F.A.C., and submit the documentation of the following:

(1) Course materials; and

(2) Course content that includes

(a) Rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S. made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

(d) A list of resources used to develop the course content;

(e) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(3) Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

(4) A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

Specific Authority 471.017(3), 471.019 FS. Law Implemented 471.017(3), 471.019 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

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

PURPOSE AND EFFECT: Purpose and effect is to describe additional responsibilities of FEMC administrative staff.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of FEMC staff.

SPECIFIC AUTHORITY: 471.038(3)(m) FS.

LAW IMPLEMENTED: 471.038(3)(m) 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-37.001 Performance Standards and Measurable Outcomes.

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

(1) through (2) No change.

(3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee’s employer of the action taken by the Board. FEMC shall refer all unlicensed cases to the Department within 15 days.

(4) No change.

(5) FEMC shall periodically notify the person who filed the complaint the status of the investigation every six months, including whether probable cause has been found, when the case is agendaed for consideration by the Board and the status of any administrative proceeding or appeal.

(6) through (10) No change.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-6.001  
 RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Board proposes to review the experience requirements in this rule to determine if updates are necessary.

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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 ENVIRONMENTAL PROTECTION**

RULE NO.: 62-4.241  
 RULE TITLE: Whole Effluent Toxicity Compliance Limits

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department proposes to add a new section to Chapter 62-4, F.A.C., to specify whole effluent acute and chronic toxicity compliance limits for facilities subject to whole effluent toxicity testing. OGC NO.: 07-0071

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will add acute and chronic whole effluent toxicity permit compliance limits for facilities subject to whole effluent toxicity testing.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.121, 403.131, 403.141, 403.161 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: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-302.200  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department plans to revise the definitions of acute and chronic toxicity found in Chapter 62-302, F.A.C., to clarify the meaning of these terms as used in water quality standards and whole effluent toxicity. OGC NO.: 07-0072

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the definitions of acute and chronic toxicity and add an additional definition for inhibition concentration.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 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: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-620.620  
 RULE TITLE: Guidelines for Establishing Specific Permit Conditions

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department plans to add a new subsection to Rule 62-620.620, F.A.C., to identify facilities subject to whole effluent toxicity testing. The proposed rule will also specify acute and chronic whole effluent toxicity permit requirements. OGC NO.: 07-0073.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will identify facilities subject to whole effluent toxicity testing and add acute and chronic whole effluent toxicity permit requirements.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.804, 403.805, 403.8055 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885, 403.141, 403.161, 403.8055 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: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.002  
 RULE TITLE: Supervisor

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel supervisors.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel supervisors.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 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 days before the workshop/meeting by contacting: If you are 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 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:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

| Specialty<br>(a) through (b) No change.<br>(c) Histology | Option | Education | Training/Experience  | Examination       |
|--|--------|-----------|--|-------------------|
|  | 1      |           | Five years pertinent clinical laboratory experience in histology and 25 hours of Board-approved continuing education in supervision and administration within the previous 5 years.  | <u>HTL (ASCP)</u> |
|  | 2      |           | Five years of pertinent clinical laboratory experience post- certification and 48 hours of Board approved continuing education in supervision and administration within the previous five years.   | <u>HT (ASCP)</u>  |
|  | 3      |           | Five years of pertinent clinical laboratory experience, 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years, <u>and licensure as a technologist in the specialty of histology.</u> |                   |

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.003  
RULE TITLE: Technologist  
PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel technologists.  
SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel technologists.  
SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 483.805(4), 483.811(2), 483.823 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 days before the workshop/meeting by contacting: If you are 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 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:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histocompatibility, blood

banking, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

(2) through (3) No change.

- (a)1. through
- (h)3. No change.

4 Five year of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty or histology.

(i) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-34-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE NO.: 64B23-4.001  
RULE TITLE: Continuing Education Requirements  
PURPOSE AND EFFECT: To update the rule.  
SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.  
SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.  
LAW IMPLEMENTED: 456.013, 483.901(6)(a) 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, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250



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

**DEPARTMENT OF HEALTH**

**Council of Medical Physicists**

RULE NO.: 64B23-6.001  
 RULE TITLE: Penalties

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 456.079(1), 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(a) 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, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.006  
 RULE TITLE: Manufactured and Prototype Buildings

PURPOSE AND EFFECT: To adopt procedures for manufacturers of manufactured and prototype buildings which would make them uniform with the Florida Building Code.

SUBJECT AREA TO BE ADDRESSED: Firesafety plans reviews inspections of manufactured and prototype buildings.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 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: Tuesday, February 13, 2007, 1:00 p.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Millicent King (850)413-3619 If you are 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 IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.006 Manufactured and Prototype Buildings.

(1) No change.

(2) With respect to any plans review and inspection inspections of any manufactured or prototype building buildings, each manufacturer of manufactured or prototype buildings is permitted to provide for any plans review and inspection required by the Florida Fire Prevention Code through a third party agency in accordance with Section 428 of the Florida Building Code, as adopted in Rule 9B-3.047, F.A.C. Any such plans review and in-plant inspection shall be performed only by a firesafety inspector fully certified under Section 633.081(2), F.S., at its option:

~~(a) Contract with any person currently certified as a firesafety inspector under Section 633.081, F.S., from a list to be provided by the Department; or~~

~~(b) Provide for one or more of its employees to become certified under Chapter 69A-39, F.A.C.~~

(3) through (5) No change.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Amended 9-8-02, Formerly 4A-60.006, Repromulgated 11-28-04, Amended \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE NO.: 6B-11.007  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The rule outlines the range of penalties to be imposed in disciplinary cases.

SUMMARY: The rule establishes a penalty range for violations; updates language; and incorporates the penalty for third or subsequent violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 1012.79(7), 1012.795(6)(b) FS.  
 LAW IMPLEMENTED: 1012.795, 1012.796(7),(8) 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: Kathleen M. Richards, Executive Director, Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-11.007 Disciplinary Guidelines.

(1) No change.

(a)1. Obtaining or attempting to obtain a Florida educator’s certificate ~~or employment~~ by fraudulent means in violation of Section 1012.795 ~~231.28~~(1)(a), F.S.

Probation – Revocation ~~Suspension~~

2. Alteration of a Florida educator’s certificate in violation of Section 1012.795 ~~231.28~~(1)(c), (f), (i), F.S., paragraphs ~~subsections~~ 6B-1.006(5)(a), (g), (h), F.A.C.

Revocation

(b)1. Being incompetent to teach or to perform duties as an educator due to physical or mental incapacity in violation of Section 1012.795 ~~231.28~~(1)(b), F.S.

~~3 to 6 Year Probation~~  
 Suspension – Revocation

2. Being incompetent to teach or to perform duties as an educator due to inefficiency in violation of Section 1012.795 ~~231.28~~(1)(b), F.S.

Probation ~~Suspension~~ – Revocation

(c)1. Being guilty of gross immorality or an act involving moral turpitude in violation of Section 1012.795(1)(c), F.S.

Probation – Revocation

2. When a student or school activity is involved.

Suspension – Revocation

(d) Having an educator certificate sanctioned by another state in violation of Section 1012.795(1)(d), F.S.

Suspension – Revocation

(e) Committing criminal acts and/or convictions in violation of Section 1012.795(1)(e), F.S.

1. Misdemeanors

Reprimand – Suspension

2. Felonies

Suspension – Revocation

(f) Engaging in personal conduct which seriously reduces effectiveness as a district school board employee in violation of Section 1012.795(1)(f), F.S.

Probation – Revocation

(g) Having breached a contract, as provided in Section 1012.33(2), F.S. in violation of Section 1012.795(1)(g), F.S.

Probation – Suspension

(h) Violating any order of probation terms ordered by the Education Practices Commission in violation of Section 1012.795 ~~231.28~~(1)(k)(b), F.S., or paragraph 6B-1.006(5)(p)(e), F.A.C.

~~1 Year Probation~~ – Revocation ~~3 Year Suspension~~

(i) Violating the Principles of Professional Conduct in violation of s. 1012.795(i), F.S. by:

1.(d) Misappropriation of money in violation of Section 231.28(1)(e), (e), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(a), F.A.C.

Probation ~~Restrict Scope of Practice – Suspension – Permanent~~

2.(e) Using position for personal gain in violation of Section 231.28(1)(e), (f), (i), F.S., paragraph 6B-1.006(4)(c), F.A.C.

Revocation  
 Probation – Revocation ~~2 Year Suspension~~

3.(f) Altering student/school records in violation of Section 231.28(1)(e), (f), (i), F.S., paragraphs 6B-1.006(3)(f), (4)(b), (5)(a), F.A.C.

~~Probation~~ 3-Year Suspension – Revocation

(g) Committing criminal acts and/or convictions in violation of Section 231.28(1)(e), (e), (f), F.S.

1. Misdemeanors

~~Reprimand – Suspension~~

2. Felonies

~~Suspension – Revocation~~

4.(h) Sexual misconduct, no students involved, in violation of Section 231.28(1)(e), (f), (i), F.S., paragraphs 6B-1.006(4)(c), (5)(c), (d), F.A.C.

~~Probation –~~ Revocation ~~Suspension~~

|  |   |
|--|---|
| <del>5.(f)</del> Sexual misconduct with any student or any minor in violation of <del>Section 231.28(1)(e), (f), (i), F.S.</del> ; paragraphs 6B-1.006(3)(a), (e), (g), (h), (4)(c), F.A.C.  | Revocation  |
| <del>6.(j)</del> Misuse of corporal punishment/Inappropriate methods of discipline in violation of <del>Section 231.28(1)(b), (e), (f), (i), F.S.</del> ; paragraphs 6B-1.006(3)(a), (e), F.A.C.   | Reprimand – Revocation  |
| <del>7.(k)</del> Alcohol or drug-related offenses in violation of <del>Section 231.28(1)(e), (e), (f), (i), F.S.</del> ; paragraphs 6B-1.006(3)(a), (e), F.A.C.  | Suspension – <del>2-Year</del> Revocation<br>Probation – <del>4-Year</del> Revocation                               |
| 1. Student-involvement   |   |
| 2. Non-Student involvement   |   |
| <del>8.(h)</del> Possession of controlled substances in violation of <del>Section 231.28(1)(e), (e), (f), (i), F.S.</del> ; paragraph 6B-1.006(3)(a), F.A.C.   | <del>1-Year Suspension – 2-Year Revocation</del><br><u>Suspension – Revocation</u><br><u>Probation – Revocation</u> |
| <u>1. Student Involvement</u>  |   |
| <u>2. No Student Involvement</u>   |   |
| <del>9.(m)</del> Sale, trafficking, conspiracy to traffic controlled substances in violation of <del>Section 231.28(1)(e), (e), (f), (i), F.S.</del> ; paragraph 6B-1.006(3)(a), F.A.C.  | <del>7-Year Revocation – Permanent Revocation</del>   |
| <u>10.(n)</u> Harassment or discrimination of students on the basis of race, color, religion, sex, age, origin, political beliefs, handicap, sexual orientation, or family status in violation of <del>Section 231.28(1)(i), F.S.</del> ; paragraph 6B-1.006(3)(g), F.A.C. | Reprimand – Revocation  |
| <del>11.(o)</del> Harassment or discrimination which interferes with an individual's performance or work in violation of <del>Section 231.28(1)(i), F.S.</del> ; paragraph 6B-1.006(5)(d), F.A.C.  | Reprimand – Revocation  |
| <u>12. Testing violations for tests involving teacher certification and credentialing in violation of paragraph 6B-1.006(5)(a),(h),(l), F.A.C.</u>   | <u>Revocation</u>   |
| <u>13.a. Improperly assisting a student with testing in violation of paragraphs 6B-1.006(3)(a),(5)(a), F.A.C.</u>  | <u>Suspension – Revocation</u>  |
| <u>b. When standardized testing is involved.</u>   | <u>Revocation</u>   |
| <u>14. Engaging in inappropriate electronic communications/transmissions/downloads in violation of paragraphs 6B-1.006(3)(a), (g),(4)(c), (5)(d), F.A.C.</u>   |   |
| <u>a.1. Involving pornography.</u>   | <u>Suspension – Revocation;</u>   |
| <u>2. When students are also involved.</u>   | <u>Revocation</u>   |
| <u>b.1. Involving gambling.</u>  | <u>Probation – Revocation Suspension –</u>  |
| <u>2. When students or colleagues are also involved.</u>   | <u>Revocation</u>   |
| <u>15. Failure to report child abuse in violation of paragraph 6B-1.006(3)(a), F.A.C.</u>  | <u>Probation – Suspension</u>   |
| <u>16. Failure to protect or supervise students in violation of paragraph 6B-1.006(3)(a), F.A.C.</u>   | <u>Probation – Revocation</u>   |
| <u>17. Engaging in plagiarism or other fraud or dishonesty in professional activities in violation of paragraphs 6B-1.006(5)(a),(g),(i), F.A.C.</u>  | <u>Suspension – Revocation</u>  |
| <u>18. Failure to self-report an arrest or disposition within 48 hours in violation of paragraph 6B-1.006(5)(m), F.A.C.</u>  | <u>Reprimand – Suspension</u>   |
| <u>19. Failure to report a violation of the Florida School Code or State Board of Education Rules in violation of paragraph 6B-1.006(5)(n), F.A.C.</u>   | <u>Reprimand – Revocation</u>   |
| <u>20. Failure for a supervising administrator to enforce the terms of a Final Order in violation of paragraph 6B-1.006(5)(q), F.A.C.</u>  | <u>Probation – Revocation</u>   |
| <u>21. Retaliation for reporting/interference with investigation/failure to cooperate with investigation in violation of paragraph 6B-1.006(5)(o), F.A.C.</u>  | <u>Suspension – Revocation</u>  |
| <u>22. Other violations of the Principles of Professional Conduct and the Florida Administrative Code.</u>   | <u>Probation – Revocation</u>   |
| <u>(j) Other violations of Section 1012.795, F.S.</u>  | <u>Probation – Revocation or such penalty as is required by statute</u>   |
| <del>(k)(p)</del> Multiple categories of violations. enumerated above in concurrent or consecutive terms.  | EPC will apply penalties  |

(a) through (l) No change.

(m) Attempts by the educator to correct or stop the violation or refusal by the educator licensee to correct or stop the violation;

(n) through (4) No change.

(5) The above guidelines notwithstanding, any individual who committed violations where the Commission imposed a penalty on two prior occasions shall have their certificate permanently revoked as the penalty for a third or subsequent disciplinary case appearing before the Commission. The Commission will not count the following as prior discipline for purposes of this subsection:

(a) Penalties for administrative violations of failing to submit annual reports or failing to pay a probation fee ordered by the Commission; and

(b) First-time penalties against an applicant for certification who has never been disciplined by the Commission.

Specific Authority 1012.79(7), 1012.795(6)(b) FS. Law Implemented 1012.795, 1012.796(7),(8) FS. History–New 2-27-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Education Practices Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
14-1 Rules of Procedure – Public Records, Final Orders

RULE NO.: RULE TITLE:  
14-1.013 Clerk of Agency Proceedings

PURPOSE AND EFFECT: This rule is replaced by a Statement of Agency Organization and Operation. Repeal of this rule is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. Repeal of this rule will also change the Parts I, II, and III structure of the rule chapter, deleting “PART II CLERK OF AGENCY PROCEEDINGS” and changing “PART III FINAL ORDERS” to PART II.

SUMMARY: The Clerk of Agency Proceedings rule is being repealed as it has been superseded by a Statement of Agency Organization and Operation.

SPECIFIC AUTHORITY: 120.53(1)(a), 334.044(2) FS.

LAW IMPLEMENTED: 28.24, 120.52, 120.53, 120.56, 120.565, 120.57, 120.58, 120.59, 120.60, 120.68 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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.

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

**PART II CLERK OF AGENCY PROCEDURES**

14-1.013 Clerk of Agency Proceedings.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 28.24, 120.52, 120.53, 120.56, 120.565, 120.57, 120.58, 120.59, 120.60, 120.68 FS. History–New 7-3-89, Amended 5-2-90, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bruce R. Conroy, Acting Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for Stephanie Kopelousos, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2007

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Detention Services**

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| <p>RULE NOS.:</p> <p>63G-2.004</p> <p>63G-2.0045</p> <p>63G-2.005</p> <p>63G-2.006</p> <p>63G-2.011</p> | <p>RULE TITLES:</p> <p>Staffing and Operations</p> <p>Intake and Orientation</p> <p>Security</p> <p>Treatment, Training and Education of Youth</p> <p>Medical Treatment, Health and Comfort</p> |
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PURPOSE AND EFFECT: Amending the process by which youths are received at a secure detention facility.

SUMMARY: The intake and orientation process is given its own rule section, and is revised to include a procedure for the receipt and return of detainee property, and admission screening to assist in the prevention of sexual abuse and victimization.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 985.404(10)(b) FS.

LAW IMPLEMENTED: 985.404(10)(b) 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: Tuesday, February 20, 2007, 10:00 a.m.  
 PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel's Conference Room, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

63G-2.004 Staffing and Operations.

(1) through (4) No change.

~~(5) Admission:~~

~~(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.~~

~~(b) The admission process shall address the following:~~

~~1. Review of required paperwork from law enforcement and screening staff prior to initiating the admission process.~~

~~2. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a computer-based form containing all elements required for an admission. The Admission Wizard (DJJ/DCF Form 1, 2-05) is~~

~~incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.~~

~~3. Medical screening of youth at the time of admission requires the completion of the Medical and Mental Health Screening form within the JJIS Admission Wizard.~~

~~4. The admission officer shall clearly communicate to the youth the rules of the center and expectations of behavior.~~

~~5. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.~~

~~6. All items in the youth's possession, including clothing, shall be searched, inventoried and documented, to include both the signature of the admission officer and the youth. All items shall be placed in a secure location.~~

~~7. A photograph of the youth shall be taken and maintained in the youth's file.~~

~~8. Inactive files shall be reviewed, if available, to obtain useful information.~~

~~9. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.~~

~~10. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.~~

~~11. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system within JJIS to identify youth with special needs. Staff shall give special attention to observing youth in the alert system to ensure their special needs are met.~~

~~(6) Transfers:~~

~~(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.~~

~~(b) The admission process for transfers shall be as follows:~~

~~1. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.~~

~~2. Youth shall be electronically searched, frisk searched, and strip searched.~~

~~3. Any personal property shall be searched, inventoried and securely stored.~~

~~(7) Documentation:~~

~~(a) All activities, incidents, and information relative to safety and security in the facility shall be documented.~~

~~(b) Written documentation includes a range of logbooks, reports, forms, and communications.~~

~~(e) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.~~

~~(d) Reports related to facility operations fall into two categories: internal and external reports.~~

~~1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to, the following:~~

- ~~a. Shift reports~~
- ~~b. Incident reports~~
- ~~e. Confinement reports~~
- ~~d. Documentation of physical interventions to control behavior.~~

~~2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:~~

~~a. Reporting of incidents to the Central Communications Center. The Central Communications Center (CCC) is an office staffed 24 hours per day every day with employees whose responsibilities include receiving information from staff concerning incidents occurring in department facilities and programs that involve staff, youth, providers, visitors or parents/guardians. CCC staff disseminate and track information and document actions taken.~~

- ~~b. National School Lunch meal reports.~~
- ~~e. Reports to the Florida Abuse Hotline, pursuant to Chapter 39, F.S.~~

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New 10-10-06, Amended \_\_\_\_\_.

63G-2.0045 Intake and Orientation.

(1) Admissions:

(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.

(b) The admission process shall address the following:

1. Review of required paperwork from law enforcement and screening staff prior to initiating the admission process.

a. Youth presented at the detention center for admission shall have been medically screened prior to their arrival at detention. No youth presented to be securely detained shall be accepted for detention if they are in need of emergency medical care, require mental health crisis intervention or are under the influence of any intoxicant.

b. If a youth in crisis is mistakenly accepted for admission into secure detention, the on-duty supervisor shall make the necessary arrangements for the youth to see the facility's medical or mental health staff or shall ensure the youth is transported to a hospital emergency room.

2. Inactive files shall be reviewed, if available, to obtain useful information.

3. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.

4. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.

5. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.

6. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a computer-based form containing all elements required for an admission. The Admission Wizard (DJJ/DCF Form 1, 2-05) is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

7. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system within JJIS to identify youth with special needs. Staff shall give special attention to observing youth in the alert system to ensure their special needs are met.

8. Completion of the Screening for Vulnerability to Victimization and Sexually Aggressive behavior (VSAB 12-26-06) instrument prior to a youth's room assignment. This instrument is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

a. The administration of the VSAB instrument is designed to obtain information to ensure a youth's potential for victimization or predatory risk is identified consistent with the goals of the Federal Prison Rape Elimination Act (PREA) of 2003.

b. The VSAB instrument shall be administered to youth in a private and confidential manner.

c. The completion of the VSAB instrument shall include the obtaining of collateral information from the youth's file and the youth's legal guardian.

d. The results of the youth's screening in the VSAB instrument shall be used in making room assignments to ensure vulnerable youth are not assigned a roommate believed to pose a risk.

9. Medical screening of youth at the time of admission requires the completion of the Medical and Mental Health Screening form within the JJIS Admission Wizard.

10. A photograph of the youth shall be taken and maintained in the youth's file.

(2) Property:

(a) The detention superintendent shall ensure a drop safe for the initial storage of youths' valuables shall be under video surveillance.

(b) The detention superintendent shall ensure that all locations for the storage of youth property are secure.

(c) The detention superintendent shall ensure that staff will not receive or have personal use of any youth property or money, unclaimed or otherwise.

(d) The detention superintendent or designee shall notify the Office of the Inspector General's Central Communications Center and file a serious reporting incident when a youth's personal property is alleged to have been stolen from the facility by a DJJ/contracted staff member, intern or volunteer.

(e) In the presence of each detained youth, the booking officer shall inventory all personal property in the youth's possession and record each item surrendered into the Juvenile Justice Information System using the Property Receipt Report (11-20-06). This form is incorporated, and is available from the Assistant Secretary for Detention at 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100.

(f) All money and personal items of value shall be verified and secured in a clear tamper-proof property bag. The description of these items on the Property Receipt Report shall include that the item described is "in the safe."

(g) Information on the clear tamper-proof property bag shall include, at a minimum, the date, the youth's name, the youth's DJJID #, a listing of the items in the bag, the youth's signature, and the signature of the person who placed the items in the property bag and sealed it.

(h) In the event a youth refuses to sign the Property Receipt Report, the booking officer shall notify a supervisor and that supervisor shall document the youth's refusal on the form.

(i) After the youth has signed the Property Receipt Report and the clear tamper-proof property bag, the bag shall be placed in the drop safe. This action shall be recorded in the drop safe bound logbook to include the date, time, youth's name, youth's DJJID #, printed name of the officer who secured the property and the officer's initials.

(k) The booking officer shall have the youth sign a Letter of Acknowledgement in which the youth acknowledges and understands that unclaimed personal property is deemed abandoned and subject to disposal. Unclaimed personal property is property in the possession of the facility for more than 30 days after the legal guardian has been notified to either retrieve, or make arrangements to retrieve, the property. This notification is sent to the legal guardian if property is not taken

by the youth at the time of their release or retrieved by the legal guardian within 7 calendar days of youth being committed to high or maximum risk.

(l) Other personal property, including the youth's clothing, shall be placed in an assigned locker/bag as documented on the Property Receipt Form. This form is then placed in the youth's active file.

(m) Upon the youth's release from detention and retrieval of personal property, the releasing officer, the youth, and the youth's legal guardian shall review and sign the Property Receipt Report and account for all of the youth's personal property.

(n) A copy of the signed Property Receipt Report which acknowledges the return of youth's personal property shall be placed in the youth's file.

(o) A photograph of the youth shall be taken and maintained in the youth's file.

(3) Orientation:

(a) The admission officer shall orient all youth by clearly communicating to the youth the rules of the center and expectations of behavior.

(b) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.

(c) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.

(4) Classification:

(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.

(b) The detention superintendent shall ensure the classification process is implemented by juvenile detention officers.

(c) Youth shall be reclassified if changes in behavior or status are observed.

(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, developmental disabilities, physical handicaps, mental illness, criminal history, level of aggressiveness and/or a history of sexual offenses.

(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.

(5) Living Area/Room Assignments:

(a) Youth shall be assigned to a room based on their classification.

(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.

(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.

(6) Transfers:

(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.

(b) The admission process for transfers shall be as follows:

1. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.

2. Youth shall be electronically searched, frisk searched, and strip searched.

3. Any personal property shall be searched, inventoried and securely stored.

(7) Documentation:

(a) All activities, incidents, and information relative to safety and security in the facility shall be documented.

(b) Written documentation includes a range of logbooks, forms, and communications.

(c) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.

(d) Reports related to facility operations fall into two categories: internal and external reports.

1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to, the following:

a. Shift reports;

b. Incident reports;

c. Confinement reports;

d. Documentation of physical interventions to control behavior.

2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:

a. Reporting of incidents to the Central Communications Center. The Central Communications Center (CCC) is an office staffed 24 hours per day every day with employees whose responsibilities include receiving information from staff concerning incidents occurring in department facilities and programs that involve staff, youth, providers, visitors or parents/guardians. CCC staff disseminate and track information and document actions taken.

b. National School Lunch meal reports.

c. Reports to the Florida Abuse Hotline, pursuant to Chapter 39, F.S.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New \_\_\_\_\_.

63G-2.005 Security.

(1) through (5) No change.

(6) Supervision of Youth:

(a) The primary function of the juvenile detention officers is to provide supervision, control, and custody of youth.

(b) Officers shall know the exact number and location of all youth assigned to them at all times.

(c) Census counts of youth shall be taken and documented, at a minimum:

1. At the beginning and end of each shift.

2. Prior to and following routine movement.

3. Following any evacuation of the facility due to emergency or fire drill.

4. Randomly, at least once, on each shift.

(d) When youth are noncompliant or present a danger to self or others, staff shall intervene using approved PAR techniques and if necessary, the application of mechanical restraints.

(e) Officers are responsible for the care of youth at all times. At no time shall another youth be allowed to exercise control over or provide discipline or care of any type to another youth.

(f) Superintendents or designated supervisors shall tour the youth living areas more than once each shift.

~~(7) Classification of Youth:~~

~~(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.~~

~~(b) The detention superintendent shall ensure the classification process is implemented by juvenile detention officers.~~

~~(c) Youth shall be reclassified if changes in behavior or status are observed.~~

~~(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, developmental disabilities, physical handicaps, mental illness, criminal history, level of aggressiveness and/or a history of sexual offenses.~~

~~(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.~~

~~(8) Living Area/Room Assignments:~~

~~(a) Youth shall be assigned to a room based on their classification.~~

~~(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.~~

~~(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.~~

~~(g)(d) Rooms shall be searched and findings shall be documented prior to the initial placement of a youth in a room.~~

~~(h)(e) When a youth is confined to a room, whether for sleeping, disciplinary or other reasons, officers shall conduct, at a minimum, 10-minute checks to ensure safety and security. Ten-minute checks shall be documented to include the time of~~



the check and the initials of the officer completing the check. If an officer, in the course of completing checks, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

~~(7)(9)~~ Searches:

(a) The Detention Superintendent shall ensure the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(b) The result(s) of any search shall be documented in the designated logs and on the shift report.

(c) Any item or situation which may compromise safety or security, shall be reported immediately to the on-duty supervisor.

(d) Law enforcement shall be contacted if any found item would be considered illegal as defined in Florida Statute, or if there is evidence of any type of unlawful activity.

(e) Youth shall have in their possession only those items they are authorized to have; any other item shall be considered contraband.

(f) Officers are to be trained in when, why and how to conduct a number of different searches, including, at a minimum:

1. Frisk searches shall be conducted during admissions, following activities outside the living area, prior to and after transportation, and randomly.

2. Electronic searches shall be conducted during admissions, following any transport, and randomly.

3. Strip searches shall be conducted during admissions, or if there is a reasonable suspicion a youth is harboring contraband. All strip searches shall be conducted by officers of the same sex as the youth.

4. Room searches shall be conducted during the first two shifts (morning and afternoon) and if there is a reasonable suspicion that a youth is harboring contraband in a room.

5. Recreation field searches shall be conducted at the beginning of each shift and prior to any outdoor activity.

6. Perimeter, outside the fence line, and parking lot(s) searches shall be conducted once during each shift.

7. Vehicle searches shall be conducted prior to and after the transportation of any youth.

(g) Officers and other facility staff shall not be allowed to introduce personal items into the secure area without authorization of the superintendent or designee.

~~(8)(10)~~ Firearm and Weapon Control:

(a) The detention superintendent shall ensure the following:

1. Firearms and weapons as defined in Chapter 790, F.S., shall not be in the possession of any department employee while on state property or during the performance of their job unless authorized by the department.

2. Firearms and weapons may only be brought into the secure area of any detention facility by law enforcement when emergency conditions exist.

(b) The possession of any firearm or weapon by a youth is a criminal act. Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

~~(9)(11)~~ Emergencies:

(a) Officers and other facility staff shall be trained and prepared to address emergency situations. All facility staff shall call 911, if they believe any youth or staff requires emergency care. If 911 services are requested, Master Control shall be notified of the request as soon as possible to assist arriving emergency personnel in getting to the proper location.

(b) Regardless of the type of emergency, the supervision of youth and safety and security may be adversely affected and will demand immediate officer response.

(c) Emergency situations are categorized into three broad categories: youth oriented; weather/nature; and man-made situations.

1. Youth oriented emergencies include: escapes, riots, hostages, threat to life caused by the possession of a firearm or weapon, general disturbances and medical crisis. In the event of a medical emergency, all staff are trained in CPR/First Aid and are required to immediately provide assistance to the youth.

2. Weather/nature emergencies include: hurricanes, tornadoes, fire, flooding, power outages or other severe weather conditions.

3. Man-made situations include: fire, bomb threats, chemical spills and the intrusion of any outside force.

~~(10)(12)~~ Non-facility Staff in Secure Areas:

(a) Access to secure areas must frequently be provided to a number of different entities including, but not limited to: probation officers, law enforcement, officials of the court, school board personnel, contracted medical and/or mental health personnel, representatives from the Department of Children and Family Services, the Agency for Persons with Disabilities, and service vendors.

(b) The superintendent shall ensure the following:

1. Visiting personnel conducting official business shall display proper identification.

2. The superintendent shall designate what areas persons not employed at the facility may enter.

(c) The supervision of youth remains the responsibility of officers even when youth are with non-facility staff.

(d) When youth are with non-facility staff, sight supervision should be maintained by an officer whenever possible. At a minimum, youth with non-facility staff shall be monitored by the facility's surveillance equipment.

(e) Service vendors will be accompanied by designated facility staff at all times when in the secure area of a detention center. The superintendent may authorize exceptions to this guideline. All tools or other service items introduced into the secure area shall be accounted for following all service calls.

(f) All contracted employees shall enter and exit the facility through the main entrance and shall sign in and out of the facility.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New 10-10-06, Amended \_\_\_\_\_.

63G-2.006 Treatment, Training and Education of Youth.

~~(1) Orientation:~~

~~(a) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.~~

~~(b) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.~~

~~(1)(2) Officer and Youth Interaction:~~

(a) The interaction between officers and youth is a critical component of the youth’s time in detention and significantly impacts the youth. The quality of the program is contingent largely upon officers setting reasonable expectations and youth understanding how to appropriately interact with the officers.

(b) Officers must be clear and concise and use appropriate language in order to communicate effectively.

~~(2)(3) Officer Professionalism:~~

(a) Officers shall maintain professional relationships with all youth and should avoid the appearance of personal relationships.

(b) Officers are role models and shall act accordingly.

(c) Officers shall not engage in personal relationships nor discuss any personal information relating to themselves or other officers with any youth.

(d) If a youth is a relative or family friend of an officer, it is the responsibility of the officer to report this through the designated chain of command.

(e) Officers shall not enter the sleeping quarters of the opposite sex unless accompanied by an officer of the same sex as the youth. However, any officer that discovers a youth attempting to commit suicide must immediately survey the scene to assess the level of emergency, and call for assistance. If the youth is demonstrating any sign of medical distress or is unresponsive, the officer must take immediate action and begin life-saving measures. Single officer cell entry is permitted to save lives. Life-threatening behaviors require an immediate response. Officers must use extreme caution when intervening without assistance.

(f) Officers shall not engage in “horseplay,” either verbal or physical, with any youth.

(g) Officers shall not have written correspondence or verbal communication, including telephone calls, with any youth unless the communication is part of the identified duties.

(h) Officers shall not have any physical contact with any youth that could be viewed as potentially inappropriate except in the necessary application of verbal and physical intervention in accordance with PAR.

~~(j)(4)~~ Physical abuse of youth is prohibited by law and any suspicion or knowledge of such must be reported to the central abuse hotline, pursuant to Chapter 39, F.S., and the Central Communications Center.

~~(k)(j)~~ Officers shall not verbally abuse, demean or otherwise humiliate any youth, and shall not use profanity in the performance of their duties.

~~(1)(k)~~ Officers shall maintain the confidentiality afforded to all youth and shall not release any information to the general public or the news media about any youth.

~~(3)(4) Daily Activities:~~

(a) Youth shall be provided the opportunity to participate in activities that will benefit youth and the facility by involving youth in constructive activities.

(b) Youth are expected to participate in all activities unless exempted due to medical or disciplinary reasons.

(c) Juvenile detention officers shall supervise all activities and shall maintain safety and security.

(d) Documentation of all activities shall be made in all applicable logs.

~~(4)(5) Activity Schedule:~~

(a) The superintendent or designee shall develop a daily schedule clearly outlining the days and times for every youth activity.

(b) Daily activity schedules shall be posted in all living areas.

(c) Juvenile detention officers shall adhere to the daily activity schedules. The on-duty supervisor must approve any significant changes in the activity schedule (e.g. cancellations, extended delays, etc.), and shall document the rationale for the changes on the shift report.

~~(5)(6) Education:~~

(a) The department will provide a safe, secure and humane environment for all youth receiving educational services within a detention center.

(b) The behavior management system described in Rule 63G-2.012, F.A.C., shall be shared with the educational program and implemented within the classroom. The behavioral norms and expectations will be posted in the classroom and shall clearly specify what are appropriate and inappropriate behaviors.

(c) Juvenile detention officers are responsible for maintaining security in the classroom, and are required to:

1. Know the exact number and location of all youth whom they are assigned to supervise at all times.

2. Perform census counts of all youth upon arrival to and departure from the classroom.

3. Maintain active control of youth by staying alert and immediately addressing any threat to safety and security.

(d) The delivery of educational instruction shall comply with the requirements of Rules 6A-6.0528 (01-01-1995), and 6A-6.05281, F.A.C. (04-16-2000).

~~(6)(7)~~ Recreation and Leisure Activities:

(a) Physical training is designed to promote healthy physical growth and development by providing structured large muscle exercise daily.

(b) Youth shall be afforded at least one hour daily of large muscle exercise outdoors. Outdoor exercises may be canceled, postponed or moved indoors at the discretion of the on-duty supervisor for reasons related to weather, safety or security.

(c) Activities such as free weights, softball, baseball, tackle football and horseshoes are prohibited activities due to safety and security concerns.

(d) Officers shall not participate in any physical activity with youth, but may direct or otherwise instruct youth in an activity.

(e) Exercises shall be consistent with the youths' physical capabilities.

(f) Exercises shall not be used for punitive reasons nor to demean, embarrass or humiliate a youth.

~~(7)(8)~~ Indoor Activities:

(a) Indoor activities shall promote educational, problem solving and/or life skills.

(b) Permissible and prohibited activities shall be determined by the superintendent or designee, with safety and security being considered.

(c) All movies shall be rated G or PG and be previously approved by the superintendent or designee.

(d) Indoor activities shall be canceled or postponed at the discretion of the on-duty supervisor for reasons related to safety or security. Such actions shall be documented.

(e) The on-duty supervisor shall ensure that television/videos are used either for educational purposes or as part of the facility's behavior management system. Television programs and videos shall be content appropriate and should not promote violence, criminal activity, or sexual/abusive situations.

~~(8)(9)~~ Visitation:

(a) The superintendent shall develop a visitation plan consistent with the following:

1. One day of the week, at a minimum, with specified times, will be designated for visitation.

2. Guidelines for canceling any visits that may adversely affect safety or security of officers or youth shall be established.

3. The rules and visiting hours shall be conspicuously posted to ensure visibility to both visitors and youth.

4. All visitors must present a picture ID prior to being authorized to enter the facility. Acceptable forms of picture identification are a valid State Driver's License, State Identification Card and a national Passport.

5. Visitors shall not bring personal items (e.g., keys, purses, packages, etc.) into the secure area. Posted visitation rules shall include this information, along with a warning that the introduction of any unauthorized items into a detention center is a third-degree felony consistent with Section 985.4046, F.S., which prohibits the introduction of unauthorized items into a detention center. Visitors will be electronically screened by passing through a walk-through metal detector.

6. Visitors shall sign in on the Visitor's Log of the youth being visited.

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be electronically searched.

c. Refuse to comply with officer instructions.

d. Are under the influence or appear to be under the influence of any intoxicating substance.

e. Fail to present proper photo identification, such as a Driver's License.

f. Attempt to introduce contraband into the secure area.

g. Are dressed in a manner that any reasonable person would consider inappropriate for visiting a youth in a detention facility. Appropriate attire covers the torso and includes shoes. Inappropriate attire includes, but is not limited to attire that is provocative, sexually suggestive, or otherwise offensive to the point it would likely disrupt day-to-day activities.

8. Legal counsel, guardians ad litem, probation officers, law enforcement officers, clergy and other professionals may visit youth as necessary, but are subject to the same requirements regarding signing in and contraband. Parents and legal guardians are approved visitors. Others may only visit if so ordered by the court or specifically approved by the superintendent or designee. The criteria for allowing others to visit is based on that which is consistent with treatment and progress in the program. Both the on-site mental health professional and the youth's probation officer shall assist the superintendent or designee in making this determination.

(b) Visitation may be terminated if the behavior of the visitor or youth is disruptive to the point of jeopardizing the safety of any youth or staff. Officers will follow subsequent reporting procedures if a visit is terminated.

(c) Visitation rooms or areas and any other common area will be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(d) If a visitor has a question regarding a youth's case or charges, they shall be referred to the Juvenile Probation Officer.

(e) Youth shall be frisk searched following visitation, and if contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

~~(9)(40)~~ Telephone Usage:

(a) The superintendent or designee shall develop procedures governing telephone usage.

(b) The following subparagraphs outline the minimal procedural requirements.

1. Youth shall have access to use a telephone for 15 minutes a week.

2. This time may not be restricted as a consequence for non-compliant behavior; however, use of the phone may be postponed or rescheduled due to any safety or security concerns.

3. This time may be extended as outlined in the facility's behavior management system.

4. All telephone calls and attempted calls shall be documented on the youth's Telephone Log. These logs shall be placed in the youth's file upon release from detention.

5. Youth may not contact victims (with the exception of the victims of domestic violence as outlined in Rule 63G-2.004, F.A.C.) or co-defendants.

6. Telephone conversations shall be terminated if they are disruptive, or otherwise impact safety or security.

7. Youth shall have reasonable access to a telephone to contact their legal counsel, child welfare officer, and/or their juvenile probation officer. These telephone calls are not counted as part of the allocated 15 minutes of calls as referenced herein.

8. Youth who are unable to make contact with their parents or legal guardians because they will not accept collect calls, shall be allowed one free call to them per week. This call will be included in their 15 minute per week allotment.

~~(10)(41)~~ Mail:

(a) Youth shall be provided the opportunity to both receive and send mail.

(b) The superintendent or designee shall develop procedures governing mail consistent with the following:

1. All incoming and outgoing mail will be screened for content that could jeopardize safety or security. Mail shall be processed within 48 hours, excluding weekends and holidays.

2. Postage and writing materials will be provided by the facility for personal correspondence for youth to post a minimum of two letters weekly.

3. Youth shall not be denied the opportunity to write their attorneys; however, this time may be postponed or rescheduled due to any safety or security concerns.

4. Youth shall not write to other youth in any juvenile detention center or residential commitment program. Except for an incarcerated relative, youth shall not write to anyone incarcerated in an adult correctional facility.

5. Due to the possibility of biological or chemical contamination, and in the interest of youth and staff safety, incoming packages and letters are not to be opened in the presence of the youth. They are to be opened at a location that offers the highest level of safety for staff and youth, using appropriate safety precautions. The only exception to the above is mail clearly marked from the youth's attorney. This mail is to be opened in the presence of the youth. Acceptable enclosures include the letter itself and photos or drawings that do not promote or encourage sexual activity, violence, gangs, drug use or any other substance abuse. Polaroid photos are prohibited due to the ability to conceal substances between the two layers of the photo. Other unacceptable enclosures are money, drugs, weapons, and any item that could be utilized as a weapon. Items that could be utilized as a weapon are those that may be used as either a sharpened or blunted item to inflict injury upon self or others.

6. Postage stamps shall be removed from all envelopes prior to the delivery of mail to youth.

7. Mail received after a youth's release shall be returned to the sender.

~~(11)(42)~~ Grievances:

(a) Youth may file a grievance should they feel their rights have been violated or they have been treated unfairly.

1. Officers shall attempt to resolve any dispute or issue that could lead to the filing of a grievance prior to the actual filing of a grievance. Officers utilizing effective communication skills may resolve many disputes and issues that a youth may have prior to the initiation of the grievance process.

2. If youth have been afforded the same protections and rights as the general population, they may not file a grievance.

3. Any denial of a youth's request to grieve shall be documented.

4. The superintendent or designee shall review the supervisor's logbook to determine any patterns of abuse or misuse related to youths' opportunities to grieve.

(b) Grievances do not replace the responsibility of reporting abuse. If the grievance is an allegation of abuse, it must be reported to the Florida Abuse Hotline, pursuant to Chapter 39, F.S., and the Central Communications Center, and shall be handled pursuant to such guidelines and no longer as a grievance.

(c) The grievance process is as follows:

1. The supervising officer(s) will issue both a Grievance Form and a pencil to any youth who wishes to file a grievance. The Grievance Form (6-06) is incorporated by reference, and is available from the Assistant Secretary for Detention, 2737 Centerview Drive, Ste. 309, Tallahassee, Florida 32399-3100.

2. Paper and pencil shall not be issued to any youth who is visibly angry or out of control.

3. The completed Grievance Form shall be forwarded within two hours to the on-duty supervisor.

4. The on-duty supervisor shall document his/her findings on the Grievance Form and will advise the youth of what actions, if any, may be taken.

5. Any action that may involve disciplinary proceedings against an officer shall not be reported to the youth.

6. If possible, the youth should be informed of the on-duty supervisor's findings by the end of the shift. Should there be circumstances that would not allow that, the youth will be informed within 24 hours.

7. The youth may agree or disagree with the supervisor's findings/actions, and will sign in the designated area on the form so indicating.

8. The supervisor shall forward the Grievance Form to the superintendent or designee upon completion.

9. The superintendent or designee shall review all completed Grievance Forms within 72 hours of receipt excluding weekends and holidays, and shall take whatever corrective actions deemed necessary. The superintendent's decision is final.

10. A separate file shall be maintained of all grievances. Grievances shall be maintained chronologically by month for one year.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)2. FS. History--New 10-10-06, Amended.

63G-2.011 Medical Treatment, Health and Comfort.

(1) No change.

(2) Mental Health and Substance Abuse:

(a) Each juvenile detention center shall enter into a contract or written agreement with a mental health provider(s) to provide mental health, substance abuse, and psychiatric services and to act as the designated mental health authority. The provider shall provide on-site mental health and substance abuse assessments, evaluations, counseling, therapy, crisis intervention and suicide prevention services and have a 24-hour on-call response capability. This provider shall assign a single licensed mental health professional as the designated mental health authority. The provider shall provide mental health and substance abuse services to be delivered by individuals who are licensed mental health professionals, or mental health clinical staff working under the direct supervision of a licensed mental health professional.

(b) Mental Health and Substance Abuse Screening: The screening process begins at intake and continues when the youth is admitted to detention. Screenings are performed using standardized instruments. The Positive Achievement Change Tool (PACT) consists of Pre-Screen and Full-Assessment components. The PACT Pre-Screen instrument is a general screening tool used to detect indicators of substance abuse and mental health issues, including suicide risk. This information is provided to the detention center in the Mental Health and Substance Abuse Screening Report and Referral. The Suicide Risk Screening Instrument (SRSI), also administered during

intake, is a validated tool used to determine if a youth is at risk for suicide at the time of admission. If any indicators for suicide risk appear on either instrument, the youth must be immediately placed on precautionary observation and referred to a mental health clinical staff person who will confer with the designated mental health authority to determine whether the further Assessment of Suicide Risk is conducted immediately or within 24 hours. The following forms are incorporated and are available from the Assistant Secretary for Detention, 2737 Centerview Drive, Suite 309, Tallahassee, Florida 32399-3100:

1. Positive Achievement Change Tool (PACT) (~~8-27-06 03-09-06~~);

2. Mental Health and Substance Abuse Screening Report and Referral (DJJ/PACT Form 1, 11-05);

3. Suicide Risk Screening Instrument (DJJ/PP Form 12, 6-06); and

4. Assessment of Suicide Risk (8-06).

(c) The juvenile detention center shall have access to crisis intervention and emergency mental health or substance abuse care. This shall include 24-hour response capability with access to acute care settings and mental health and substance abuse emergency management services.

(d) For those youth on medications, there shall be psychopharmacological therapy and follow-up services, as necessary.

(e) The detention center shall use an alert system to identify youth with special needs. Staff shall give special attention to observing youth in the alert system and as follow-up to logbook entries.

(3) No change.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)7. FS. History--New 10-10-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Strange-Seale, DJJ Detention Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Pifer, DJJ Assistant Secretary For Detention Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2006

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

RULE NOS.:

63H-2.001

63H-2.002

63H-2.003

63H-2.004

63H-2.005

RULE TITLES:

Purpose and Scope

Definitions

Contracted Residential Staff

Contracted Non-Residential Staff

State Residential Staff

63H-2.006 State Non-Residential Staff  
 63H-2.007 Detention Staff  
 63H-2.008 Instructor Qualifications

**PURPOSE AND EFFECT:** The rule establishes a statewide framework for the certification, pre-service and in-service training of direct care staff.

**SUMMARY:** The rule details the pre-service and in-service training requirements for contracted and state direct care employees in residential, non-residential and detention programs. The rule also describes the required qualifications for instructors.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** 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.

**SPECIFIC AUTHORITY:** 20.316(1), 985.601(8) FS.

**LAW IMPLEMENTED:** 985.02(3)(c), 985.601(8) FS.

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

**DATE AND TIME:** Monday, February 19, 2007, 10:00 a.m.

**PLACE:** DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail john.milla@djj.state.fl.us

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

63H-2.001 Purpose and Scope.

(1) This rule establishes a statewide framework for the department to implement procedures governing the certification, pre-service, and in-service training of direct care staff. The provisions of this rule are applicable to all direct care staff, as defined in this rule, within all state and contracted department programs, facilities, and probation units.

(2) The need exists to establish training requirements in order to: (1) ensure that all direct care staff are performing at a minimum standardized level of competency; (2) maintain a safe and secure environment for staff and youth; (3) enhance treatment program effectiveness; and (4) provide greater protection to the public through an improved level of services to youth.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New \_\_\_\_\_.

63H-2.002 Definitions.

(1) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(2) Certification – A process indicating that an individual has fulfilled a minimum standard level of competency in a profession and authorizes the individual to practice in the profession.

(3) Certified Staff – Direct care staff in facilities/units who have completed the certification requirements set forth in Rules 63H-2.005, 2.006 and 2.007.

(4) Daily Observation Report (DOR) – The document used to formally evaluate and provide feedback on the newly hired staff’s performance and knowledge to ensure the staff has achieved or exceeded satisfactory performance.

(5) Department – Florida Department of Juvenile Justice.

(6) Detention Staff – State or contracted direct care staff assigned to work at a detention facility.

(7) Direct Care Staff – Having direct contact with youth for the purpose of providing care, supervision, custody, or control in a detention facility, probation unit, day treatment program or commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

(8) Field Training Officer (FTO) – Refers to an employee who has successfully completed the Field Training Officer course.

(9) In-Service Training – The on-going training that employees are required to receive in all but the first year of their employment. Such training must be documented and relevant to the employee’s job responsibilities as set out in this rule.

(10) ITW – The 80-hour Instructor Techniques Workshop.

(11) Non-Residential Staff – State or contracted direct care staff assigned to work in a non-residential environment, including probation and day treatment programs.

(12) On the job training – Training on specific skills based on pre-service/Phase I topics that is conducted by an FTO and/or administrative staff.

(13) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with the PAR Rule (Chapter 63H-1, F.A.C.), the PAR Escalation Matrix, and PAR training curricula.

(14) PAR Certification – The status attained upon successful completion of PAR training pursuant to Chapter 63H-1, F.A.C.

(15) Phase I Training – The initial portion of the certification training process, applicable to state direct care staff, that is conducted at the workplace.

(16) Phase II Training – A part of the certification training process, applicable to state direct care staff, that is conducted at an academy.

(17) Pre-Service Training – The initial training for newly hired contracted direct care staff that is conducted after hire but before they become direct care staff.

(18) PAR Trained –The completion of one attempt at the written examination (whether pass or fail) and passing the performance evaluation.

(19) Residential Staff – State or contracted direct care staff assigned to work at a residential facility.

(20) Returning Staff – These are trained/certified staff who have separated from employment and are re-hired into the same position type.

(21) Staff Development and Training – The branch of the department responsible for the creation, implementation, and maintenance of training and evaluation materials.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History–New \_\_\_\_\_.

63H-2.003 Contracted Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (computer based and/or instructor led) to include the following:

1. PAR;
2. CPR/First Aid;
3. Professionalism and ethics;
4. Suicide prevention;
5. Emergency procedures;
6. Mission/Program philosophy/ Program culture;
7. Adolescent behavior;
8. Confidentiality/ HIPPA;
9. Infection control/Blood borne pathogens;
10. Gangs;
11. Safety, security, and supervision;
12. Cultural competency;
13. Behavior management;
14. DJJ: The organization;
15. Mental health and substance abuse services;
16. Sexual harassment;
17. Communication skills;

(c) All contracted residential facilities/programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all of the on the job training associated with the above topics.

(2) Contracted residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

- (a) PAR trained;
- (b) CPR/First Aid certified;

(c) Professionalism and ethics training;

(d) Suicide prevention training;

(e) Emergency procedure training.

(3) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

(a) A passing score of at least 70 percent on all applicable computer based courses.

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(5) During each year, beginning on the first anniversary of hire, contracted residential staff must complete 24 hours of annual in-service training.

(6) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.).

(b) CPR.

(c) First aid, unless the specific certification is good for more than one year, in which case training is only necessary as required by certification.

(d) Professionalism and ethics.

(7) All contracted residential facilities/programs will submit to Staff Development and Training a written list of in-service training that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

(a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.)

(b) CPR/First Aid certification (if not current).

(c) Overview of facility/program operating procedures.



(10) Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.003(1), F.A.C., as they are no longer considered trained.

(11) Contracted Staff who cross over from non-residential to residential shall complete all training requirements set forth in subsection 63H-2.003(1), F.A.C.

(12) Procedures for documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and/or programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New \_\_\_\_\_.

63H-2.004 Contracted Non-Residential Staff.

(1) Pre-service training requirements are as follows:

(a) Staff must complete all training within 180 days of being hired.

(b) Staff must complete a minimum of 120 hours of pre-service training (web-based and/or instructor led) to include the following:

1. PAR;
2. CPR/First aid;
3. Suicide prevention;
4. Emergency procedures;
5. Understanding youth;
6. Legal;
7. Interpersonal/Communication skills;
8. Professionalism and ethics;
9. Supervision;
10. Changing offender behavior;
11. Mental health and substance abuse;
12. Risk and needs assessment;
13. Sexual harassment.

(c) All contracted non-residential programs will submit, in writing a list of pre-service training to Staff Development and Training that includes course names, descriptions, objectives, and training hours for any instructor-led training based on the above topics.

(d) Staff must complete all on the job training associated with the above topics.

(2) Contracted non-residential employees are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills must be completed first:

(a) PAR trained;

(b) CPR/First aid certified;

(c) Professionalism and ethics training;

(d) Suicide prevention training;

(e) Emergency procedures training.

(3) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(4) Testing requirements for pre-service training are as follows:

(a) A passing score of at least 70 percent on all applicable computer based courses;

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(5) During each year, beginning on the first anniversary of hire, contracted non-residential staff must complete 24 hours of annual in-service training.

(6) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Professionalism and ethics.

(7) All contracted non-residential programs will submit to Staff Development and Training a written list that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(8) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(9) Returning staff who return less than one year from separation shall complete the following:

(a) PAR update consisting of a minimum of 8 hours training (Chapter 63H-1, F.A.C.).

(b) CPR/First Aid/AED certification (if not current).



(c) Overview of facility/program operating procedures.

(10) Returning staff who return more than one year from separation shall complete all requirements set forth in subsection 63H-2.004(1), F.A.C., as they are no longer considered trained.

(11) Contracted Staff who cross over from residential to non-residential shall complete all training requirements set forth in subsection 63H-2.004(1), F.A.C.

(12) Documentation procedures are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and/or programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New \_\_\_\_\_.

63H-2.005 State Residential Staff.

(1) All staff shall be certified within 180 days of being hired.

(2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 120 hours of certification training (web-based and instructor led) in the following areas:

1. Orientation training;

2. Information security awareness;

3. DJJ residential facility operations (to include training on the unit log, admissions, releases, and transfers);

4. PAR;

5. CPR/First Aid;

6. Mental health and substance abuse services;

7. Safety, security, and supervision;

8. Legal;

9. DJJ: The organization;

10. Gang awareness;

11. Interpersonal/Communication skills;

12. Case management in residential facilities.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase Two is academy training, which shall consist of 120 hours of certification training in the following areas:

1. Restorative justice;

2. Professionalism and ethics;

3. Adolescent behavior;

4. Health care;

5. Effective written communication;

6. Mental health;

7. Suicide recognition, prevention, and intervention;

8. Human diversity;

9. Interpersonal/Communication skills.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines. The Daily Observation Report (ADSD-21, revised 12/15/06) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

(3) State Residential staff are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

(a) PAR trained;

(b) CPR/First aid/AED training;

(c) Mental health and substance abuse;

(d) Suicide recognition, prevention, and intervention;

(e) Safety, security, and supervision;

(f) DJJ residential facility operations.

(4) Once the trainee has completed these essential skills, the trainee may be in the presence of youth while the remaining training requirements are completed. However, until the trainee completes the remaining training requirements, he or she shall, at all times, be under the direct supervision of a fully certified Juvenile Justice Residential Officer (JJRO).

(5) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all applicable computer-based courses;

(b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.;

(c) Successful completion of all written and practical requirements for CPR/First Aid/AED training;

(d) Staff must receive a minimum score of 75 percent on the certification examination;

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(6) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

(a) Death of an immediate family member;

(b) Serious chronic condition, illness or injury;

(c) Immediate family crisis;

(d) Court appearance;

(e) Military duty;

(f) Family medical leave;

(g) Other emergency circumstances.

(7) During each year, beginning on the first anniversary of hire, state residential staff must complete 24 hours of annual in-service training.

(8) The following are mandatory training topics that must be completed each year:

(a) PAR update (Chapter 63H-1, F.A.C.);

(b) CPR/AED;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;

(d) Suicide prevention;

(e) Professionalism and ethics.

(9) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(10) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(11) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.005(1), F.A.C., as they are no longer considered trained.

(12) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the Department:

(a) All PAR training pursuant to Chapter 63H-1, F.A.C.;

(b) CPR/First aid/AED certification;

(c) Overview of facility operating procedures.

(d) In-service training to include:

1. Professionalism and ethics;

2. Suicide prevention;

3. Adolescent behavior;

4. DJJ residential facility operations;

5. Safety, security, and supervision.

(13) Staff who crossover from contracted residential facilities, contracted non-residential programs, or state operated non-residential programs must complete all certification requirements outlined in this section.

(14) Staff who crossover from detention facilities must complete all certification requirements outlined in this section that are non-duplicative of their detention certification, including the Juvenile Justice Detention Officer (JJDO) to Juvenile Justice Residential Officer (JJRO) examination.

(15) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New \_\_\_\_\_.

63H-2.006 State Non-Residential Staff.

(1) All staff shall be certified within 180 days of hiring.

(2) The certification training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 96 hours of training in the following areas:

1. Orientation training;

2. Juvenile Justice Information System;

3. Information security awareness;

4. Mental health and substance services;

5. Professionalism and ethics;

6. Restorative justice;

7. Human diversity;

8. Personal safety;

9. Adolescent behavior;

10. Legal;

11. Interpersonal/Communication skills;

12. Screening and intake;

13. Supervision;

14. Transfer, commitment and termination of supervision.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase two shall consist of 224 hours of training at the academy in the following areas:

1. PAR;

2. CPR/First aid;

3. DJJ overview;

4. Legal;

5. Adolescent behavior;

6. Restorative justice;

7. Interpersonal/Communication skills;

8. Human diversity;

9. Screening and intake;

10. Legal;

11. Supervision;

12. Transfer, commitment and termination of supervision;

13. Personal safety;

14. Professionalism and ethics.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines.

(3) State non-residential staff are not required to be PAR certified and CPR/First Aid certified prior to contact with youth. However, the following requirements shall apply:

(a) The staff shall be assigned to a fully certified officer who has successfully completed all certification requirements outlined in this section.

(b) The staff shall not supervise a caseload or have direct contact with youth where department certified staff are not present until they complete all certification requirements in this section.

(4) Testing requirements for certification training are as follows:

(a) A passing score of at least 70 percent on all applicable computer-based courses.

(b) PAR testing and evaluation requirements as outlined in 63H-1.

(c) Successful completion of all written and practical requirements for CPR/First Aid training.

(d) Staff must receive a minimum score of 75 percent on the certification examination.

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(5) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(6) During each year, beginning on the first anniversary of hire, state non-residential staff must complete 24 hours of annual in-service training.

(7) The following are mandatory training topics that must be completed each year:

- (a) PAR update (Chapter 63H-1, F.A.C.);
- (b) CPR;
- (c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification;
- (d) Suicide prevention;
- (e) Professionalism and ethics.

(8) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(9) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(10) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.006(1), F.A.C., as they are no longer considered trained.

(11) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the department:

- (a) All PAR training pursuant to Chapter 63H-1, F.A.C.;
- (b) CPR/First aid certification;
- (c) Overview of program operating procedures;
- (d) In-service training to include:
  1. Professionalism and ethics;
  2. Suicide prevention;
  3. Adolescent behavior;
  4. Risk and needs assessment;
  5. Supervision.

(12) Staff who crossover from contracted residential or detention facilities, contracted non-residential programs, state operated residential facilities, or state operated detention facilities must complete all certification requirements outlined in this section.

(13) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History—New \_\_\_\_\_.

#### 63H-2.007 Detention Staff.

(1) All staff shall be certified within 180 days of being hired.

(2) The training shall be in two phases. Phase one is workplace training. Phase two is training at the academy.

(a) Phase one shall consist of 120 hours of certification training (computer-based and instructor led) in the following areas:

1. Orientation training;
2. Information security awareness;
3. DJJ detention facility operations (to include training on the unit log, transportation, admissions, and releases);

- 4. PAR;
- 5. CPR/First aid;
- 6. Mental health and substance abuse services;
- 7. Safety, security, and supervision;
- 8. Legal;
- 9. DJJ: The organization;
- 10. Gang awareness;
- 11. Interpersonal/Communication skills;
- 12. Detainee behavior and consequences.

(b) Staff must complete all on the job training associated with the above topics.

(c) Phase Two is academy training, which shall consist of 120 hours of certification training to include:

- 1. Restorative justice;
- 2. Professionalism and ethics;
- 3. Adolescent behavior;
- 4. Health care;
- 5. Effective written communication;
- 6. Mental health;
- 7. Suicide recognition, prevention, and intervention;
- 8. Human diversity;
- 9. Interpersonal/communication skills.

(d) Staff must demonstrate satisfactory performance in all categories for at least seven (7) days on the Phase One Daily Observation Reports using the standardized evaluation guidelines.

(3) Detention staff are authorized to be in the presence of youth prior to the completion of the training requirements outlined above. However, the following essential skills training must be completed first:

- (a) PAR trained;
- (b) CPR/First aid/ AED certified;
- (c) Mental health and substance abuse;
- (d) Suicide recognition, prevention, and intervention;
- (e) Safety, security, and supervision;
- (f) DJJ detention facility operations.

(4) Once the trainee has completed these essential skills, the trainee may be in the presence of youth while the remaining training requirements are completed. However, until the trainee completes the remaining training requirements, he or she shall, at all times, be assigned to a fully certified Juvenile Justice Detention Officer (JJDO).

(5) Testing requirements for certification training are as follows:

- (a) A passing score of at least 70 percent on all applicable computer-based courses.
- (b) PAR testing and evaluation requirements as outlined in Chapter 63H-1, F.A.C.
- (c) Successful completion of all written and practical requirements for CPR/First Aid/AED training.

(d) Staff must receive a minimum score of 75 percent on the certification examination.

(e) Staff may be given up to three attempts to pass the certification examination within the 180-day timeframe.

(6) Upon request by a Regional Director, the Assistant Secretary for Staff Development and Training may grant an extension to the 180-day time frame for completing training requirements. The extension may only be based on the following:

- (a) Death of an immediate family member.
- (b) Serious chronic condition, illness or injury.
- (c) Immediate family crisis.
- (d) Court appearance.
- (e) Military duty.
- (f) Family medical leave.
- (g) Other emergency circumstances.

(7) During each year, beginning on the first anniversary of hire, detention staff must complete 24 hours of annual in-service training.

(8) The following are mandatory training topics that must be completed each year:

- (a) PAR update (Chapter 63H-1, F.A.C.);
- (b) CPR/AED;

(c) First aid, unless the specific certification is good for more than one year, in which case, training is only necessary as required by certification.

- (d) Suicide prevention.
- (e) Professionalism and ethics.

(9) Each region will submit to Staff Development and Training a written list of in-service trainings that includes course names, descriptions, objectives, and training hours for any instructor-led in-service training other than the above topics.

(10) As part of the 24 hours of in-service training required for direct-care staff, supervisory staff shall complete 8 hours of training in the areas of management, leadership, personal accountability, employee relations, communication skills, and/or fiscal training each year.

(11) Returning staff who return more than four years from separation shall complete all requirements set forth in subsection 63H-2.005(1), F.A.C., as they are no longer considered trained.

(12) Returning staff that return less than four years from the date of separation shall meet the following requirements within sixty calendar days of their return to the department:

- (a) All PAR training pursuant to Chapter 63H-1, F.A.C.;
- (b) CPR/First Aid/AED certification;
- (c) Overview of facility operating procedures.
- (d) In-service training to include:
  - 1. Professionalism and ethics;
  - 2. Suicide prevention;

- 3. Adolescent behavior;
- 4. DJJ detention facility operations;
- 5. Safety, security, and supervision.

(13) Staff who crossover from contracted residential, contracted non-residential, and state operated non-residential must complete all certification requirements outlined in this section.

(14) Staff who crossover from state operated residential must complete all certification requirements outlined in this section that are non-duplicative of their JJRO certification, including the JJRO to JJDO examination.

(15) Procedures for the documentation of training are as follows:

(a) Administrators will ensure that a training file is maintained for each direct care staff, and that they meet all requirements.

(b) Completion of all training requirements shall be documented on the department's computer based tracking system.

(c) Facilities and programs shall develop an annual in-service training calendar which must be updated as changes occur.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8), (9)(b) FS. History--New \_\_\_\_\_.

63H-2.008 Instructor Qualifications.

(1) Only certified PAR instructors (see Chapter 63H-1.014, F.A.C. for PAR instructor requirements) shall conduct PAR training.

(2) Only certified CPR/First aid/AED instructors shall conduct CPR/First aid/AED training.

(3) All instructors must have successfully completed the 80-hour Instructor Techniques Workshop course, however, the following exceptions apply:

(a) FTO's and administrative staff who provide administrative, orientation, and/or Phase One training, with the exception of PAR, are not required to be ITW certified.

(b) Any instructor who is not ITW certified, must submit for approval a completed Instructor Exemption form to the Assistant Secretary of Staff Development and Training through their respective facility/program administrator. The Instructor Exemption form (ADSD-20, effective 12/15/2006) is incorporated by reference, and is available through Staff Development and Training, 2737 Centerview Dr., Tallahassee, FL 32399.

Specific Authority 20.316(1), 985.601(8) FS. Law Implemented 985.02(3)(c), 985.601(8) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael McCaffrey, DJJ Bureau of Staff Development  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eber Brown, DJJ Assistant Secretary of Staff Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-1.003 RULE TITLE: Examination Administration  
PURPOSE AND EFFECT: The Department of Health proposes to update the rule.

SUMMARY: The rule incorporates the updated 2007 text of the manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.003 Examination Administration.

Unless the national examination requires a different set of administration procedures, the following procedures shall be followed for any examination administered by the department or its contract provider.

(1) All examinations will be administered in accordance with the department's "General Administration Manual for Examinations," 2007, 1996 incorporated herein by reference, and can be obtained from the Division of Medical Quality Assurance, Bureau of Operations, Testing Services, 4052 Bald Cypress Way, Bin C-90, Tallahassee, Florida 32399-3290.

(2) through (6) No change.

Specific Authority 456.004(5), 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History--New 9-7-98, Amended 7-20-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.001  
 RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes a rule amendment to update the existing language to the rule.

SUMMARY: The proposed rule amendment in paragraph 4 to reflect the statutory changes to part II of Chapter 468, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) An Administrator-in-Training is a supervised internship during which the Administrator-in-Training (~~the~~ AIT) works under the ~~guidance and~~ supervision of a preceptor, a licensed administrator meeting the qualifications set in Rule 64B10-16.002, F.A.C.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., ~~which are in effect~~ at the time of application, and pay the application fee specified in Rule 64B10-12.013, F.A.C. The form title and number is, Administrator in Training Application, DH-MQA-NHA003 (Revised 10/05).

(3) No change.

(4) The training must be under the full-time supervision of the preceptor. A preceptor shall supervise only one AIT or intern at any given time; however, if the facility has a minimum of 120 beds and an assistant administrator duly licensed under Chapter 468, Part II, F.S., the preceptor may then supervise a maximum of two AITs or interns, or a combination thereof.

(5) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History--New 9-24-81, Formerly 21Z-16.01, Amended 12-18-88, 1-22-90, 11-11-92, Formerly 21Z-16.001, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.002  
 RULE TITLE: Preceptor

PURPOSE AND EFFECT: The Board proposes a rule amendment to reduce the preceptor's time to attend the six-hour training seminar.

SUMMARY: The proposed rule amendment would require preceptors to attend the required six-hour training seminar immediately preceding the application instead of three years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(4) FS.

LAW IMPLEMENTED: 468.1695 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 Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in AIT programs based on the completion of application and an oral interview. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. The form title and number is, Preceptor Certification, DH-MQA-NHA014

~~(Revised 10/05). However, the Board shall disapprove a preceptor for a training program who has failed to remain in compliance with these requirements.~~

~~(2) Each person desiring to be a preceptor must submit an completed application with the appropriate fees, showing:~~

~~(a) His name and address.~~

~~(b) That he is an actively licensed nursing home administrator in Florida,~~

~~(c) That he has been a licensed and practicing nursing home administrator in any jurisdiction for the last three years, and that no disciplinary action has been taken against him,~~

~~(d) The states and dates of issuance of all his professional license, including those as a nursing home administrator.~~

~~(e) The Nursing home facility at which the applicant has been in direct management control, and that the facilities have had a continuous operating history free from significant deficiencies.~~

~~(3) The preceptor applicant must show that his education, experience, and knowledge qualify him to supervise the training of an AIF. The preceptor applicant must attend a six-hour preceptor training seminar approved by the Board as set forth in Rule 64B10-16.0025, F.A.C., within one the three years immediately preceding the application.~~

~~(4) Each application for approval of an administrator in training program shall include an application for approval of each nursing home facility at which the training will take place.~~

~~(5)(4) Preceptor shall not supervise the training of a member of his immediate family.~~

~~(6)(5) A preceptor must be in direct management control of the facility or facilities at which the training is to take place.~~

~~(7)(6) A member of the Board may conduct the oral interview and report to the Board.~~

~~(7) A person desiring to be a preceptor must apply and qualify under the terms of this rule, notwithstanding an approval under previous rules.~~

Specific Authority 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History--New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97,\_\_\_\_\_.

(ff) Failure to notify a patient through written or oral notice of the type of license the practitioner holds.

(Section 456.072(1)(t), F.S.)

(4) through (6) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-5.001  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language to the disciplinary guidelines regarding a licensee's failure to comply with Section 456.072(1)(t), F.S.

SUMMARY: The amendment to the rule clarifies the discipline that can be taken against a licensee when he or she fails to comply with Section 456.072(1)(t), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (3)(ee) No change.

First Offense:

Read laws and rules and submit an affidavit attesting that the licensee has read the laws and rules.

Second Offense:

A fine from \$100.00 to \$500.00.



Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History–New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**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**

| RULE NOS.: | RULE TITLES:  |
|------------|---|
| 25-17.0832 | Firm Capacity and Energy Contracts                    |
| 25-17.200  | Application and Scope                                 |
| 25-17.210  | Definitions   |
| 25-17.220  | Qualifying Criteria                                   |
| 25-17.230  | The Utility's Obligation to Purchase and Sell         |
| 25-17.240  | Negotiated Contracts                                  |
| 25-17.250  | Standard Offer Contracts                              |
| 25-17.260  | Subscription Limits                                   |
| 25-17.270  | Changes in Environmental and Governmental Regulations |
| 25-17.280  | Tradable Renewable Energy Credits (TREC's)            |
| 25-17.290  | Imputed Debt Equivalent Adjustments                   |
| 25-17.300  | Reporting   |
| 25-17.310  | Dispute Resolution                                    |

**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. 32, No. 41, October 13, 2006 issue of the Florida Administrative Weekly.

Docket No. 060555-EI

Strike the rule text as published and replace with the following:

**PART III UTILITIES' OBLIGATIONS WITH REGARD TO COGENERATORS AND SMALL POWER PRODUCERS**

25-17.0832 Firm Capacity and Energy Contracts.

(1) through (3) No change.

(4) Standard Offer Contracts.

(a) Upon petition by a utility or pursuant to a Commission action, each public utility shall submit for Commission approval a tariff or tariffs and a standard offer contract or contracts for the purchase of firm capacity and energy from small qualifying facilities. In lieu of a separately negotiated contract, standard offer contracts are available to the following types of qualifying facilities:

~~1. A small power producer or other qualifying facility using renewable or non-fossil fuel where the primary energy source in British Thermal Units (BTUs) is at least 75 percent biomass, waste, solar or other renewable resource;~~

~~2.—A qualifying facilities, as defined by subsection 25-17.080(3), F.A.C., with a design capacity of 100 kW or less; or~~

~~3. A municipal solid waste facility as defined by Rule 25-17.091, F.A.C.~~

(b) through (8)(c) No change.

Specific Authority 350.127, 366.05(1) FS. Law Implemented 366.051, 366.81 FS. History–New 10-25-90, Amended 1-7-97, 5-18-03,\_\_\_\_\_.

**PART IV UTILITIES' OBLIGATIONS WITH REGARD TO RENEWABLE GENERATING FACILITIES**

25-17.200 Application and Scope.

The purpose of these rules is to promote the development of renewable energy; protect the economic viability of Florida's existing renewable energy facilities; diversify the types of fuel used to generate electricity in Florida; lessen Florida's dependence on natural gas and fuel oil for the production of electricity; minimize the volatility of fuel costs; encourage investment within the state; improve environmental conditions; and, at the same time, minimize the costs of power supply to electric utilities and their customers. Unless otherwise stated, these rules apply to all investor-owned utilities.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

25-17.210 Definitions.

For purposes of these rules:

(1) "Renewable Generating Facility" means an electrical generating unit or group of units at a single site, interconnected for synchronous operation and delivery of electricity to an electric utility, where the primary energy in British Thermal Units (BTUs) used for the production of electricity is from one or more of the following sources: hydrogen produced from sources other than fossil fuels, biomass, solar energy,



geothermal energy, wind energy, ocean energy, hydroelectric power, or waste heat from a commercial or industrial manufacturing process.

(2) "Biomass" means a fuel source that is comprised of, but not limited to, combustible residues or gases from forest products manufacturing, agricultural and orchard crops, waste products from livestock and poultry operations and food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas.

(3) "Full Avoided Costs," as defined in Section 366.051, Florida Statutes, means the incremental costs to the purchasing utility of the electric energy or capacity, or both, which, but for the purchase from a renewable generating facility, such utility would generate itself or purchase from another source.

(4) "Investor-owned utility" shall have the same meaning as Section 366.02(1), Florida Statutes.

(5) "Electric utility" shall have the same meaning as Section 366.02(2), Florida Statutes.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History—New \_\_\_\_\_.

#### 25-17.220 Qualifying Criteria.

For purposes of these rules, a renewable generating facility shall be deemed a qualifying facility pursuant to subsection 25-17.080(1), F.A.C., and shall have all the rights, privileges, and responsibilities specified in Rules 25-17.082 through 25-17.091, F.A.C.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History—New \_\_\_\_\_.

#### 25-17.230 The Utility's Obligation to Purchase and Sell.

(1) Each investor-owned utility shall purchase electricity produced and sold by renewable generating facilities at rates that have been agreed upon by the utility and renewable generating facility or at the utility's published tariff. Each investor-owned utility shall file a tariff or tariffs and a standard offer contract or contracts for the purchase of energy or capacity, or both, from renewable generating facilities that reflects the provisions set forth in these rules.

(2) Each investor-owned utility's tariff or standard offer contract shall specify the metering requirements for billing purposes in accordance with subsections 25-17.082(2) and (3), F.A.C.

(3) Each investor-owned utility shall interconnect with any renewable generating facility in accordance with Rule 25-17.087, F.A.C.

(4) Each investor-owned utility shall sell energy to renewable generating facilities in accordance with Rule 25-17.084, F.A.C.

(5) Each investor-owned utility shall provide, upon request by a renewable generating facility, transmission service to wheel as-available energy or firm energy and capacity

produced by the renewable generating facility from the renewable generating facility to another electric utility in accordance with Rule 25-17.0889, F.A.C.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History—New \_\_\_\_\_.

#### 25-17.240 Negotiated Contracts.

(1) Investor-owned utilities and renewable generating facilities are encouraged to negotiate contracts for the purchase of firm capacity and energy to avoid or defer construction of planned utility generating units and provide fuel diversity, fuel price stability, and energy security.

(2) Negotiated contracts will be considered prudent for cost recovery purposes if it is demonstrated by the investor-owned utility that the purchase of firm capacity and energy from the renewable generating facility pursuant to the rates, terms, and other conditions of the contract can reasonably be expected to contribute towards the deferral or avoidance of additional capacity construction or other capacity-related costs by the purchasing utility and provide fuel diversity, fuel price stability, and energy security at a cost to the utility's ratepayers which does not exceed full avoided costs, giving consideration to the characteristics of the capacity and energy to be delivered by the renewable generating facility under the contract.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History—New \_\_\_\_\_.

#### 25-17.250 Standard Offer Contracts.

(1) Standard Offer Contract. In addition to the requirements contained in Rules 25-17.082 through 25-17.091, F.A.C., 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 each technology type identified in the utility's Ten-Year Site Plan filed pursuant to Rule 25-22.071, F.A.C. Each standard offer contract based on each of the utility's avoidable units shall be consistent with the requirements of subsections 25-17.0832(4), (5) and (6), F.A.C., except as modified by this rule. Each investor-owned utility with no planned generating unit identified in its Ten-Year Site Plan shall submit a standard offer based on avoiding or deferring a planned purchase.

#### (2) Continuous Offers.

(a) In order to ensure that each utility continuously offers a purchase contract to producers of renewable energy, each standard offer contract shall remain open until:

1. A request for proposals (RFP) pursuant to Rule 25-22.082, F.A.C., is issued for the utility's planned generating unit; or

2. The utility files a petition for a need determination or commences construction for generating units not subject to Rule 25-22.082, F.A.C.

3. The generating unit upon which the standard offer contract was based is no longer part of the utility's generation plan, as evidenced by a petition to that effect filed with the Commission or by the utility's most recent Ten Year Site Plan.

(b) Before a standard contract offering is closed, the utility shall file a petition for approval of a new standard offer contract based on the next unit of the same generating technology, if any, in its Ten-Year Site Plan. If no generating unit of the same technology is in the utility's Ten-Year Site Plan, the utility shall notify the Director of the Division of Economic Regulation prior to closing a standard offer.

(3) Term. At the election of the renewable generating facility, the term of each standard offer contract shall be for a minimum of 10 years from the in-service date of the avoided unit up to a maximum of the life of the avoided unit.

(4) Capacity Payments Options. In addition to the capacity payment options contained in paragraph 25-17.0832(4)(g), F.A.C., and subject to the provisions of paragraphs 25-17.0832(3)(a) through (d), F.A.C., a renewable generating facility may elect a payment stream for the capital component of the utility's avoided unit, including front-end loaded capacity payments, that best meets the financing requirements of the renewable generating facility. Early capacity payments consisting of the capital component of the avoided unit may, at the election of the renewable generating facility, commence any time after the actual in-service date of the renewable generating facility and before the anticipated in-service date of the utility's avoided unit. Regardless of the payment stream elected by the renewable generating facility, the cumulative present value of capital cost payments made to the renewable generating facility over the term of the contract shall not exceed the cumulative present value of the capital cost payments which would have been made to the renewable generating facility had such payments been made pursuant to subparagraph 25-17.0832(4)(g)1., F.A.C. Fixed operation and maintenance expense shall be calculated in conformance with subsection 25-17.0832(6), F.A.C.

(5) Content. Unless otherwise modified by these rules, the contents of each standard offer contract shall be in accordance with subsection 25-17.0832(4), F.A.C.

(6) Fixed Energy Payments. In order to facilitate third-party financing of renewable generating facilities and provide fuel price stability to electric ratepayers, upon request by a renewable generating facility, each investor-owned utility shall provide for the following fixed energy payment options:

(a) As-available energy payments. As-available energy payments made prior to the in-service date of the avoided unit shall be based on the utility's year-by-year projection of system incremental fuel costs, prior to hourly economy energy sales to other utilities, based on normal weather and fuel market

conditions plus a fuel market volatility risk premium mutually agreed upon by the utility and the renewable generating facility.

(b) Firm energy payments. Subsequent to the determination of full avoided cost and subject to the provisions of paragraphs 25-17.0832(3)(a) through (d), F.A.C., a portion of the base energy costs associated with the avoided unit, mutually agreed upon by the utility and renewable energy generator, shall be fixed and amortized on a present value basis over the term of the contract starting, at the election of the renewable generating facility, as early as the in-service date of the renewable generating facility. "Base energy costs associated with the avoided unit" means the energy costs of the avoided unit to the extent the unit would have been operated.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

#### 25-17.260 Subscription Limits.

There shall be no preset subscription limits for the purchase of capacity and energy from renewable generating facilities. To the extent that the purchase of capacity and energy from a renewable generating facility is not needed for reliability or will increase costs to the general body of ratepayers above full avoided cost, the utility shall petition the Commission for relief. In any such proceeding, the Commission shall determine the need for power and the utility's full avoided cost, including strategic benefits such as fuel diversity and energy security, that are in the best interests of the general body of ratepayers.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

#### 25-17.270 Changes in Environmental and Governmental Regulations.

All contracts for the purchase of capacity and energy from a renewable generating facility shall include a provision to reopen the contract, at the election of either party, limited to changes affecting the utility's full avoided costs of the unit on which the contract is based as a result of new environmental and other regulatory requirements enacted during the term of the contract.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

#### 25-17.280 Tradable Renewable Energy Credits (TREC's).

Tradable renewable energy credits and tax credits shall remain the exclusive property of the renewable generating facility. A utility shall not reduce its payment of full avoided costs or place any other conditions upon such government incentives in a negotiated or standard offer contract, unless agreed to by the renewable generating facility.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

25-17.290 Imputed Debt Equivalent Adjustments.

An investor-owned utility shall not impose any imputed debt equivalent adjustments (equity adjustments) to reduce the avoided costs paid to a renewable generating facility unless the utility has demonstrated the need for the adjustment and obtained the prior approval of the Commission.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

25-17.300 Reporting.

Each electric utility shall report, by April first of each year, the following information, actual and projected:

(1) The total megawatts and percentage of each utility’s total capacity mix comprised of renewable generating capacity.

(2) The total megawatt-hours and percentage of each utility’s net energy for load and fuel mix of energy purchased from renewable generation.

(3) The total megawatts and megawatt-hours of self-service generation by renewable generation.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(5), 366.05(7) FS. History–New \_\_\_\_\_.

25-17.310 Dispute Resolution.

(1) The purpose of this rule is to establish an expedited process for resolution of disputes between renewable generating facilities and investor-owned utilities.

(2) To be considered for an expedited proceeding, the companies involved in the dispute must have attempted to resolve their dispute either through negotiation or by seeking mediation from an independent third party or Commission staff.

(3) Subject to subsection (2) of this rule, any party negotiating an agreement under this Part may, at any point in the negotiation, petition the Commission to resolve any differences arising in the course of the negotiation. The petition shall contain, at a minimum:

(a) An overview of the issues discussed and resolved by the parties;

(b) The unresolved issues;

(c) The position of each of the parties with respect to each unresolved issue;

(d) All relevant documentation concerning each unresolved issue.

(4) A party petitioning the Commission under subsection (1) shall provide a copy of the petition and any other documentation accompanying the petition to the other party or parties not later than the day on which the petition is filed with the Commission. A non-petitioning party may respond to the petition and provide additional information within 30 days after the petition is filed with the Commission.

(5) The Commission will require the petitioning party and the responding party to provide additional information if it determines the additional information is necessary for the

Commission to reach a decision on the unresolved issues. If any party refuses or fails to respond on a timely basis to any request from the Commission, then the Commission shall proceed on the basis of the best information available to it from whatever source derived.

(6) The Commission will resolve each issue set forth in the petition and the response, if any, in an expedited manner, normally within 90 days unless waived by the parties or on the Commission’s own motion. The Commission shall base its decision on whether the provision in dispute will encourage the development of renewable generation in the State and is in the best interests of the purchasing utility’s general body of ratepayers pursuant to the provisions of this Part.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.051, 366.076, 366.81, 366.91, 366.92 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.725  
 RULE TITLE: Permissible Items for Visitors  
 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. 32, No. 47, (November 22, 2006), issue of the Florida Administrative Weekly:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) through (b) No change.

(c) Vehicle keys necessary to operate a motor vehicle. However, keyless entry devices are not permitted unless ~~approved by~~ the duty warden or designee visually inspects the keyless entry device and determines that the device is the only means for the visitor to access a motor vehicle and does not pose a threat to institutional security.

(d) through (j) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.737  
 RULE TITLE: Visiting – Forms  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 47, (November 22, 2006), issue of the Florida Administrative Weekly:

Item (4.1.2) of Form DC6-111B, Visitor Information Summary, is being amended to provide that keyless entry devices are not permitted by visitors unless the duty warden or designee visually inspects the keyless entry device and determines that the device is the only means for the visitor to access a motor vehicle and does not pose a threat to institutional security.

- 60BB-3.022 Determinations Regarding Approved Training
- 60BB-3.024 Short-Time Compensation Plan Application
- 60BB-3.028 Profiling and Re-employment Services
- 60BB-3.029 Public Use Forms

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: RULE TITLE:  
 40D-4.091 Publications and Agreements  
 Incorporated by Reference

**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. 32, No. 44, November 3, 2006 issue of the Florida Administrative Weekly. The District is designating the effective date of the revised and updated Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between South Florida Water Management District and Department of Environmental Protection, incorporated by reference in paragraph 40D-4.091(2), F.A.C., to be July 1, 2007.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:  
 59A-3.255 Emergency Care

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 36, September 5, 2003 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

- RULE NOS.: RULE TITLES:
- 60BB-3.011 Definitions
- 60BB-3.012 General Information
- 60BB-3.013 Filing Initial and Additional Claims;  
 Reopening Previously Filed Claims
- 60BB-3.015 Continued Claims for Benefits
- 60BB-3.016 Monetary Determinations
- 60BB-3.017 Nonmonetary Determinations
- 60BB-3.018 Determinations of Charges to an  
 Employer’s Account in Connection  
 with a Claim for Benefits
- 60BB-3.019 Determinations Regarding Suitable  
 Work
- 60BB-3.020 Determination Regarding Discharge  
 for Misconduct
- 60BB-3.021 Determinations Regarding  
 Claimant’s Ability to Work and  
 Availability for Work

**NOTICE OF PUBLIC HEARING**

The Agency for Workforce Innovation announces a hearing regarding the above rule, as noticed in Vol. 32, No. 50, December 15, 2006, Florida Administrative Weekly.

DATE AND TIME: Thursday, February 22, 2007, 1:30 p.m. until 2:30 p.m. or until business is concluded

PLACE: The Agency for Workforce Innovation, Room B-049, Caldwell Building, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposed amendments to Chapter 60BB-3, Florida Administrative Code to more accurately reflect the current practices and functions performed by the Agency in regard to the implementation of those provisions of Chapter 443, Florida Statutes that relate to claims for unemployment benefits.

A copy of the Proposed Rules was published in the December 15, 2006, issue of the Florida Administrative Weekly (Vol. 32, No. 50) and is available online at: <http://faw.dos.state.fl.us/fawframes.html>

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Ms. Veronica Moss at (850)245-7150 or (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: RULE TITLE:  
 61J1-3.001 Application by Individuals

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 37, September 15, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RULE NO.:** 62-312.824  
**RULE TITLE:** General Permit to Municipalities to Pave Existing Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway

**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. 32, No. 1, January 6, 2006 issue of the Florida Administrative Weekly.

A notice of change also was published in Vol, 32, No. 51, December 22, 2006, issue of the Florida Administrative Weekly. The changes are made in response to comments received from the Joint Administrative Procedures Committee.

62-312.824 General Permit to ~~Counties and~~ Municipalities to Pave Existing ~~County or~~ Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway.

A general permit is hereby granted to ~~counties and~~ municipalities to pave existing ~~county or~~ municipally owned and maintained roads that lack a permanent pavement surface, such as concrete or asphalt. This includes the repair and stabilization of such roads in preparation of paving; the repair or replacement of bridges and culverts that are part of the roadway; construction or alteration of associated stormwater management systems; other work reasonably necessary to pave the road; and the construction, alteration, operation, and maintenance of systems and works authorized under this general permit, provided all of the terms and conditions below are met.

(1) The existing road and any associated bridges:

(a) Must have been constructed prior to January 1, 2002, and in continuous use as a ~~county or~~ municipally owned and maintained road (including any associated bridge or bridges) thereafter. For the purposes of this general permit, ~~county or~~ municipal ownership shall include roads that have been presumed to be dedicated in accordance with Section 95.361, F.S.; and

(b) No change.

(2) The proposed road and any bridge work, together:

(a) through (c) No change.

(d) Must be constructed, operated, and maintained within roadway and bridge right-of-way owned by the ~~county or~~ municipality, including where ownership is through presumed dedication in accordance with Section 95.361, F.S.;

(e) No change.

(f) Must not involve any more dredging or filling of surface waters of the state than is reasonably necessary to prepare the roadway for paving, including all work to repair,

extend, or replace any culverts, other drainage structures, and bridges associated with the roadway, and to construct or reconfigure surface water management systems associated with the paving. However, the amount of such dredging and filling, both temporary and permanent, must not impact more than 0.5 acre of surface waters of the state for a total and complete project, with the allowance of an additional 0.5 acre of work in roadside ditches constructed through uplands. A "total and complete project" shall consist of the total amount of work needed to pave, and prepare for paving, all unpaved segments of a single named or numbered (~~county or~~ state road number) roadway. The sum of all wetland and other surface water impacts associated with phases of paving the named or numbered roadway must not exceed the above acreage limits. However, the total acreage limits for this general permit shall not include the work conducted to prepare the roadway for paving when the preparation is done in accordance with:

1. through 4. No change.

(g) through (j) No change.

(3) Activities conducted under this general permit must comply with the general conditions for general permits contained in Rule 62-4.540, F.A.C., and all the specific conditions in paragraphs (a) through (j), below.

(a) through (g) No change.

(h) Activities conducted and authorized by this permit must be operated and maintained by the ~~county or~~ municipality for the life of the system.

(i) through (j) No change.

(4) No change.

(5) Notices to use this general permit must be submitted to the Department on Form 62-312.900(6). In addition to the information required on that form, this notice must also include the materials required in paragraphs (5)(a) or (b), below.

(a) No change.

1. A project description that describes the work to be done, including a statement signed by the responsible official in the ~~county or~~ municipality that the proposed activity will comply with the limitations in paragraph (5)(a) herein, and all the other terms and conditions of this general permit;

2. through 4. No change.

(b) through (c) No change.

(6) No change.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

**RULE NO.:** 64B32-2.001  
**RULE TITLE:** License by Endorsement

**NOTICE OF CORRECTION**

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 the December 15, 2006, issue of the Florida Administrative Weekly, in Vol. 32, No. 50. The

Board held a public hearing on this rule on April 7, 2006, in Tampa, Florida, and determined a change to this rule should be made.

The changes are as follows:

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and numbers of hours as follows (for the purpose of this section, home study courses are not permitted):

General respiratory care (including medication) \_\_\_\_\_ 1 hour

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 68A-25.002 | General Provisions for Taking, Possession and Sale of Reptiles          |
| 68A-25.006 | Possession, Exhibition and Caging Venomous Reptiles: Prohibited Species |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 1, January 5, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**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.: 53ER07-1  
 RULE TITLE: Instant Game Number 750, GOLD RUSH

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 750, "GOLD RUSH," 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: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER07-1 Instant Game Number 750, GOLD RUSH.

(1) Name of Game. Instant Game Number 750, "GOLD RUSH."

(2) Price. GOLD RUSH lottery tickets sell for \$20.00 per ticket.

(3) GOLD RUSH 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 GOLD RUSH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

|           |           |           |           |           |           |           |           |           |   |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---|
| <b>1</b>  | <b>2</b>  | <b>3</b>  | <b>4</b>  | <b>5</b>  | <b>6</b>  | <b>7</b>  | <b>8</b>  | <b>9</b>  | <b>10</b>   |
| ONE       | TWO       | THREE     | FOUR      | FIVE      | SIX       | SEVEN     | EIGHT     | NINE      | TEN   |
| <b>11</b> | <b>12</b> | <b>13</b> | <b>14</b> | <b>15</b> | <b>16</b> | <b>17</b> | <b>18</b> | <b>19</b> | <b>20</b>   |
| ELEVN     | TWELV     | THRTN     | FORTN     | FIFTN     | SIXTN     | SVNTN     | EGHTN     | NINTN     | TWENTY  |
| <b>21</b> | <b>22</b> | <b>23</b> | <b>24</b> | <b>25</b> | <b>26</b> | <b>27</b> | <b>28</b> | <b>29</b> | <b>30</b>   |
| THYONE    | THYTWO    | THYTHR    | THYFOR    | THYFIV    | THYSIX    | THYSVN    | THYEGT    | THYNIN    | THIRTY  |
| <b>31</b> | <b>32</b> | <b>33</b> | <b>34</b> | <b>35</b> | <b>36</b> | <b>37</b> | <b>38</b> | <b>39</b> |  |
| THYONE    | THYTWO    | THYTHR    | THYFOR    | THYFIV    | THYSIX    | THYSVN    | THYEGT    | THYNIN    | WIN \$500   |

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

|           |           |           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| <b>1</b>  | <b>2</b>  | <b>3</b>  | <b>4</b>  | <b>5</b>  | <b>6</b>  | <b>7</b>  | <b>8</b>  | <b>9</b>  | <b>10</b> |
| ONE       | TWO       | THREE     | FOUR      | FIVE      | SIX       | SEVEN     | EIGHT     | NINE      | TEN       |
| <b>11</b> | <b>12</b> | <b>13</b> | <b>14</b> | <b>15</b> | <b>16</b> | <b>17</b> | <b>18</b> | <b>19</b> | <b>20</b> |
| ELEVN     | TWELV     | THRTN     | FORTN     | FIFTN     | SIXTN     | SVNTN     | EGHTN     | NINTN     | TWENTY    |
| <b>21</b> | <b>22</b> | <b>23</b> | <b>24</b> | <b>25</b> | <b>26</b> | <b>27</b> | <b>28</b> | <b>29</b> | <b>30</b> |
| THYONE    | THYTWO    | THYTHR    | THYFOR    | THYFIV    | THYSIX    | THYSVN    | THYEGT    | THYNIN    | THIRTY    |
| <b>31</b> | <b>32</b> | <b>33</b> | <b>34</b> | <b>35</b> | <b>36</b> | <b>37</b> | <b>38</b> | <b>39</b> |           |
| THYONE    | THYTWO    | THYTHR    | THYFOR    | THYFIV    | THYSIX    | THYSVN    | THYEGT    | THYNIN    |           |

(6) The prize symbols and prize symbol captions are as follows:

|                |                |                |                 |                  |
|----------------|----------------|----------------|-----------------|------------------|
| <b>\$2.00</b>  | <b>\$5.00</b>  | <b>\$10.00</b> | <b>\$15.00</b>  |                  |
| TWO            | FIVE           | TEN            | FIFTEEN         |                  |
| <b>\$20.00</b> | <b>\$25.00</b> | <b>\$40.00</b> | <b>\$50.00</b>  |                  |
| TWENTY         | THY FIV        | FORTY          | FIFTY           |                  |
| <b>\$100</b>   | <b>\$500</b>   | <b>\$1,000</b> | <b>\$10,000</b> | <b>\$500,000</b> |
| ONE HUN        | FIVE HUN       | ONE THO        | TEN THO         | FIVE HUN THO     |

(7) The legends are as follows:

WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$10,000 and \$500,000.



(c) A ticket having a "WIN \$500" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$500.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 750 are as follows:

| GAME PLAY                     | WIN   | ESTIMATED |  |
|-------------------------------|-------|-----------|--|
|                               |       | ODDS OF   | NUMBER OF WINNERS IN 230 POOLS OF 120,000 TICKETS PER POOL |
| \$5 x 4                       | \$20  | 15.00     | 1,840,000  |
| \$10 x 2                      | \$20  | 15.00     | 1,840,000  |
| \$20                          | \$20  | 15.00     | 1,840,000  |
| \$5 x 8                       | \$40  | 60.00     | 460,000  |
| (\$5 x 4) + (\$10 x 2)        | \$40  | 60.00     | 460,000  |
| \$10 x 4                      | \$40  | 85.71     | 322,000  |
| \$15 + \$25                   | \$40  | 85.71     | 322,000  |
| \$40                          | \$40  | 100.00    | 276,000  |
| \$50                          | \$50  | 30.00     | 920,000  |
| \$5 x 20                      | \$100 | 120.00    | 230,000  |
| \$25 x 4                      | \$100 | 120.00    | 230,000  |
| (\$10 x 6) + \$40             | \$100 | 150.00    | 184,000  |
| (\$2 x 20) + (\$5 x 4) + \$40 | \$100 | 133.33    | 207,000  |
| \$100                         | \$100 | 400.00    | 69,000   |

|                           |           |              |        |
|---------------------------|-----------|--------------|--------|
| \$25 x 20                 | \$500     | 1,200.00     | 23,000 |
| \$50 x 10                 | \$500     | 1,200.00     | 23,000 |
| \$20 x 25                 | \$500     | 1,200.00     | 23,000 |
| \$100 x 5                 | \$500     | 800.00       | 34,500 |
| \$500 (GOLD BAR)          | \$500     | 517.24       | 53,360 |
| \$50 x 20                 | \$1,000   | 30,000.00    | 920    |
| \$100 x 10                | \$1,000   | 30,000.00    | 920    |
| (\$25 x 20) + (\$100 x 5) | \$1,000   | 30,000.00    | 920    |
| \$40 x 25                 | \$1,000   | 30,000.00    | 920    |
| \$1,000                   | \$1,000   | 30,000.00    | 920    |
| \$500 x 20                | \$10,000  | 150,000.00   | 184    |
| \$10,000                  | \$10,000  | 150,000.00   | 184    |
| \$500,000                 | \$500,000 | 2,509,090.91 | 11     |

(10) The estimated overall odds of winning some prize in Instant Game Number 750 are 1 in 2.95. 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 750, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLD RUSH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GOLD RUSH lottery tickets shall be made in accordance with rules 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.

Specific 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 1-12-07.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 12, 2007

**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 STATE

NOTICE IS HEREBY GIVEN that on December 22, 2006, the Department of State received a Petition for Variance of section IX(H) of the Public Library Construction Grant Guidelines, which is incorporated by reference into Rule 1B-2.011, F.A.C., from Collier County. This Petition requests a variance from the rule that gives a recipient of a public library construction grant 540 days from the date of the grant award to place the construction project under contract. There are no exceptions to this requirement, unless the grant recipient is involved in litigation.

A copy of this petition can be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 Bronough Street, Tallahassee, FL 32399-0250. The Department of State will accept comments concerning this petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice, at the Department of State, Office of the General Counsel, 500 South Bronough Street, Tallahassee, FL 32399-0250.

### DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on January 8, 2007, the Florida Department of Law Enforcement, received a petition for Mary Carr. She petitions for Waiver of paragraph 11B-30.006(1)(d), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the order of retraining and testing.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

NOTICE IS HEREBY GIVEN that on January 12, 2007, the Florida Department of Law Enforcement, received a petition for Bryan Smith. Petitions for Waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department grant him additional time to become employed.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye. A copy of the

Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

### 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 January 9, 2007, the St. Johns River Water Management District has issued an order. Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-100), to Town Center Partners, Ltd. (Petitioner). The Petition for Variance was received by SJRWMD on October 27, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 47 on November 22, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373 of the Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

NOTICE IS HEREBY GIVEN that on January 9, 2007, the St. Johns River Water Management District has issued an order. Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-101), to Florida Department of Transportation, District 5 (Petitioner). The Petition for Variance was received by SJRWMD on October 31, 2006.



Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 45 on November 9, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship, and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes to prevent harm to the water resources, by facilitating the project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne-Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the Order may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

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NOTICE IS HEREBY GIVEN that on January 10, 2007, South Florida Water Management District (District) received an amended petition for waiver from Donald A. Murphy, Application Number 06-1106-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Collier County, to allow utilization of a portion of the District's L-28 right of way for temporary vehicular access to privately-owned land lying in Section 23, Township 51 South, Range 34 East. The petition seeks relief from paragraph 40E-6.221(2)(j) and (9), Fla. Admin. Code, which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406. Attn.: Kathie Ruff, Office of Counsel.

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-009-DAO-ROW), on January 11, 2007, to the Wayne and Barbara Finn. The petition for waiver was received by the SFWMD on November 30, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 50, on December 15, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow replacement of an existing fence enclosure with vehicular access gate encroaching to the top of the canal bank within the north right of way of C-7, at the rear of 788 N. W. Little River Drive; S23/T53S/R41E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within forty feet of top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Wayne and Barbara Finn from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-010-DAO-ROW), on January 11, 2007, to Florida Turnpike Enterprises. The petition for waiver was received by the SFWMD on October 24, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 46, on November 17, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow an existing mast arm pole to remain within the District's east right of way of C-1 at the southeast bridge quadrant of S. W. 216th Street and the Homestead Extension of the Florida's Turnpike (HEFT); S17/T56S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement

of above-ground permanent and/or semi-permanent structures within 40 feet of the top of the canal bank and within the District's equipment staging areas located at all bridges and pile-supported utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Florida Turnpike Enterprises from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-011-DAO-ROW), on January 11, 2007, to Teodoro and Angie Iturrioz. The petition for waiver was received by the SFWMD on November 6, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 50, on December 15, 2006. No public comment was received. This Order provides a waiver of the District's criteria to allow six (6) existing palm trees located 39 feet from the top of the canal bank to remain within the east right of way of C-1W at the rear of 11330 S. W. 156th Avenue; S9/T55S/R39E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Teodoro and Angie Iturrioz from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-012-DAO-ROW), on January 11, 2007, to

Lago Hollywood LLC. The petition for waiver was received by the SFWMD on November 29, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 50, on December 15, 2006. No public comment was received. This Order provides a waiver of the District's criteria for a 14-slip marina comprised of a proposed 3' x 347' marginal dock and existing seawall, rip-rap and 24" drainage connection within the east right of way of C-10 beginning approximately 330' northerly of Taft Street and extending 347' northerly; S9/T51S/R42E, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Lago Hollywood LLC from suffering a substantial hardship and a violation of the principals of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-013-DAO-ROW), on January 11, 2007, to Miami-Dade County Public Works Department. The petition for waiver was received by the SFWMD on November 7, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 49, on December 8, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed replacement of the S. W. 160th Street Bridge crossing the C-1W Canal; S27/T55S/R39E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction,

alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Public Works Department from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN that on January 3, 2007, the Agency for Health Care Administration has issued an order.

The Agency for Health Care Administration, Health Quality Assurance hereby gives notice that it issued an Order on January 3, 2006, in response to a petition filed on November 11, 2006 and advertised in the F.A.W., Vol. 32, No. 49.

NOTICE IS HEREBY GIVEN that on January 3, 2007, the Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration issued an order denying the second petition for waiver of Rule 59A-33.013, F.A.C., that was superseded by an Amended Petition for Variance of Rule 59A-33.013, F.A.C. which was granted in part and denied in part. The rule sought limits the number of clinics a medical or clinic director may supervise to five (5) clinics, nor more than 200 total employees within a 200 mile distance. The petition was granted in part so far as it requested a variance of the 5 clinic limitation to a maximum of 10 clinics per medical director but was denied as to any other relief sought. The 10 clinic variance expires on December 15, 2008 or earlier based upon substantial changes specified in the order. The petitioners are Open Magnetic Imaging, Inc., OMI of Aventura, Inc., OMI of Aventura II, Inc., OMI CT of Aventura, Inc., OMI of Miami Lakes, Inc., OMI CT of Miami Lakes, Inc., OMI of Coral Gables, Inc., OMI of Kendall, Inc., Open Magnetic Imaging of Coral Springs, Ltd., Open Magnetic Imaging of Plantation, Ltd., OMI of Plantation, Inc., OMI CT of Plantation, Inc., OMI of Ft. Lauderdale, Inc., OMI CT of Ft. Lauderdale, Inc., Open Magnetic Imaging of Pembroke Pines, Ltd., OMI of Jupiter, Inc., OMI of Palm Beach, Inc., OMI of Wellington, Inc., OMI of Boynton Beach, Inc., OMI of West Boca, Ltd., OMI of Jacksonville, Inc. and OMI of Orange Park, Inc.

A copy of the Order may be obtained by contacting: Gail Priest, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308, (850)488-1365.

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

NOTICE IS HEREBY GIVEN that on January 9, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Delmonte Catering of Fort Myers. The above referenced F.A.C. addresses

food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on January 9, 2007, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from Haagen Dazs located in Orlando. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on January 10, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Jet of Miami located in Miami. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated...The Petitioner requests to use bathroom facilities located on the other eleven floors of the building and not have their own bathroom facilities.

A copy of the Petition can be obtained from: Xenia Bailey, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 8, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from One Tea Lounge located in Wilton Manors. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated..... The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 30.

A copy of the Petition can be obtained from: Xenia Bailey, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on January 16, 2007, the Board of Landscape Architecture, received a petition for waiver filed by Ronald Leighton. The Petitioner seeks a waiver of subsection 61G10-16.006(8), Florida Administrative Code, to permit a one time substitute instructor for an approved course. The Board will consider this petition at its meeting scheduled for Friday, February 23, 2007, in Miami, Florida.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, filed on September 11, 2006, by Joseph Moore. The Notice of Petition for Waiver or Variance was published in the F.A.W., Vol. 32, No. 40, of the October 6, 2006. Petitioner sought a waiver or variance of subsection 61H1-33.003(7), F.A.C., entitled "Continuing Professional Education," to allow self study courses he completed through a non-approved sponsor to be counted toward the continuing professional education hours needed to reactivate his license as a certified public accountant. Petitioner also sought a variance or waiver of subsection 61H1-33.006(3), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the number of hours of continuing professional education he would be required to complete prior to applying for reactivation of his license. The Board considered the instant Petition at a duly-noticed public meeting, held October 27, 2006, in Tampa, Florida.

The Board's Order, filed January 5, 2007, denied the petition in part, finding that Petitioner had not established that the purpose of the underlying statute, Section 473.312, F.S., would be met by granting a variance or waiver from subsection 61H1-33.003(7), F.A.C. The Board further found that

Petitioner had not established that applying the requirements of the aforementioned Rule to his circumstances would violate the principles of fairness and impose a substantial hardship. The Board's Order granted the petition in part finding that Petitioner established that the purpose of the underlying statute, Section 473.312, F.S., would be met by granting a variance or waiver from subsection 61H1-33.006(3), F.A.C., and allowing him an additional six months to complete the required continuing professional education. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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NOTICE IS HEREBY GIVEN that on December 21, 2006, the Department of Environmental Protection Northwest District, received a petition for a variance from Holley-Navarre Water System Inc., from paragraph 62-610.512(6)(c), F.A.C., which requires a setback distance of at least 50 feet from the edge of a rapid infiltration basin to the site property line if high level disinfection is provided and an engineering report is provided that provides reasonable assurances that water quality standards will not be violated. The petitioner requests in the variance that the minimum 50 foot setback distance be reduced to 25 feet from the property lines. The petition has been assigned OGC File #07-0049. Public comment must be received by the person below no later than 14 days from the date of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jonathan May, Department of Environmental Protection, Northwest District, 160 Governmental Center, Pensacola, FL 32502-5794, (850)595-8300, ext. 1167, [jonathan.may@dep.state.fl.us](mailto:jonathan.may@dep.state.fl.us).

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#### DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on January 8, 2007, the Department of Health received a Petition for Variance from Promise Ventures, LLC, owner of Promise Crossings. Promise Crossings is an 11 space Mobile Home Park located at 703 Wabash Avenue, Lakeland, FL, Polk County. The petition

requests additional time to bring the park into compliance with subsection 64E-15.004(1), F.A.C., which addresses having a safe method of sewage collection, disposal, or treatment.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

## 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  
 Financial Services Commission  
 Department of Veterans' Affairs  
 Department of Highway Safety and Motor Vehicles  
 Department of Law Enforcement  
 Department of Revenue  
 Department of Education  
 Administration Commission

Florida Land and Water Adjudicatory Commission  
 Board of Trustees of the Internal Improvement Trust Fund  
 Department of Environmental Protection

DATE AND TIME: February 13, 2007, 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

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; report 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 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 for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

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, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

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 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 duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**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, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

#### DEPARTMENT OF STATE

The **Southeast Florida Preservation Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 22, 2007, 11:00 a.m.

PLACE: House of the Seven Gables, 482 North Indian River Drive, Fort Pierce, Florida 34950

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 71 N. W. Federal Hwy., Boca Raton, Florida 33432.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance at (561)416-2115.

#### DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2007, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion with the University Press regarding publication of a book on the subject of the Florida Women's Hall of Fame.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE OF CANCELLATION – The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Soil and Water Conservation Council to which all persons are invited.

DATE AND TIME: Wednesday, January 31, 2007, 10:00 a.m. – 1:00 p.m.

PLACE: The Florida Fruit and Vegetable Association Headquarters, 800 Trafalgar Court, Maitland, Florida 32794-8153

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Meeting Cancelled.

Reports and discussion will include the Statewide Fertilizer Labeling Rule, the Environmental Stewardship Certification Program, and the Water Conservation Manual.

A copy of the agenda or directions may be obtained by contacting: Office of Agricultural Water Policy, Mail Stop GS-50, 1203 Governors Square Blvd., Ste. 200, Tallahassee, FL 32301, ATTN: Brenda Howard, or Clegg Hooks, at (850)617-1700 or Suncom 217-1700.

The **Florida Agriculture in the Classroom, Inc.**, Board of Directors will meet for a regularly scheduled board meeting.

DATE AND TIME: Tuesday February 6, 2007, 10:00 a.m.

PLACE: Florida Citrus Mutual in Lakeland. Florida Citrus Mutual, 302 S. Massachusetts Ave., Lakeland, FL 33801

The Florida **Department of Agriculture and Consumer Services** announces the following public meeting of the Miami Blue Butterfly Subcommittee to which all interested persons are invited.

DATE AND TIME: February 12, 2007, 1:00 p.m.

PLACE: McGuire Center, Florida Museum of Natural History, Southwest 34th Street and Hull Road, Gainesville, Florida, (352)846-2000. CONTACT: Max Feken, Bureau of Pesticides, 3125 Conner Boulevard, Bldg. 6, Tallahassee, Florida 32399-1650, (850)487-0532.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee is charged with developing recommendations to the Coordinating Council for Mosquito Control regarding conduct of mosquito control that will: 1) allow re-introductions to continue on public lands that will aid in the recovery of the Miami blue butterfly and 2) allow the Mosquito Control Districts to continue to provide mosquito control as required by State Law under Chapter 388 of the Florida Statutes.

A copy of the meeting agenda may be obtained by contacting the Bureau of Pesticides at the above number. Please contact either Max Feken or Dr. Jeret Daniels, (352)846-2000, ext. 233, if planning to attend.

The **Florida State Fair Authority** announces a meeting of the Full Board.

DATE AND TIME: Monday, February 12, 2007, 2:00 p.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the address above or at (813)627-4221.

**DEPARTMENT OF EDUCATION**

The **Florida Conflict Resolution Consortium**, Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 1, 2007, 10:00 a.m. – 1:00 p.m.

PLACE: University Center Club, 5th Floor, Bldg. B, University Center, FSU, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further identify and develop growth opportunities within the new state government administration during 2007 and beyond.

A copy of the agenda may be obtained by contacting Robert Jones or Lisa Fowler at (850)644-6320.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Lisa Fowler at (850)644-6320. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2007, 11:00 a.m. – completion

PLACE: Conference Call: 1(888)808-6959 Conference Code 2459620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Schools of Excellence Commission will be holding a standards sub-committee conference call to discuss general standards and practices of Charter School Applicants and Co-Sponsor Applicants.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0861.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 hour before the workshop/meeting by

contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by telephone at (850)245-0861.

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The **Florida Schools of Excellence Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2007, 3:00 p.m. – completion.

PLACE: Conference Call: 1(888)808-6959 Conference Code 2459620

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Schools of Excellence Commission will be holding a conference call to discuss legislative issues.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0861.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 hour before the workshop/meeting by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, (850)245-0861

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The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a private closed door attorney-client session.

DATE AND TIME: February 8, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Doctors Charter School, 11301 NW 5th Avenue, Miami Shores, Florida 33168.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Florida Statute Section 286.011(8) (2006) to discuss strategy related to litigation expenditures in *Hershey vs. Florida Schools of Excellence Commission* and Florida State Board of Education.

ATTENDEES: Florida Schools of Excellence Commission Members Judie S. Budnick, Reginald Gaffney, John Lewis, Liza McFadden, Richard Moreno, Rudy Rodriguez, Alex Sanchez, Executive Director Hillary Johnson, Florida Department of Education Assistant General Counsel Jason Hand.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by writing to: Florida Department of Education, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by calling (850)245-0502.

For those who want more information, please contact: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by calling (850)245-0502.

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The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public meeting of the Florida Schools of Excellence Commission to which all persons are invited.

DATE AND TIME: February 8, 2007, 11:00 a.m. – until completion

PLACE: Doctors Charter School, 11301 N. W. 5th Avenue, Miami Shores, Florida 33168

GENERAL SUBJECT MATTER TO BE CONSIDERED: Per Section 1002.335(3)(c), Florida Statutes. The Florida Schools of Excellence Commission shall meet each month at the call of the chair.

Agenda is forthcoming.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to 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 **Florida Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: February 6, 2007, 12:00 Noon – 2:00 p.m.

PLACE: The College's Fred H. Kent Campus, Room E-112A, 3939 Roosevelt Blvd., Jacksonville, Florida 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007 Legislative Agenda.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: February 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: The College's Fred H. Kent Campus, Room D-120, 3939 Roosevelt Blvd., Jacksonville, Florida 32205



GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

DATE AND TIME: February 6, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: The College’s Fred H. Kent Campus, Room D-111, 3939 Roosevelt Blvd., Jacksonville, Florida 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the strategic conversation and the regular monthly Board meeting will be available for inspection on and after Tuesday, January 30, 2007, and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before February 6, 2007. All legal issues should be brought to the College’s attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of February and March, 2007, the Board will hold informal meetings each Thursday from 12:00 Noon – 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college.

If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The **Gulf Coast Community College**, District Board of Trustees will hold Special Meetings as follows: Contact person for each meeting is Wanda Luckie, Gulf Coast Community College, Presidential Search Liaison.

DATES AND TIMES: January 23, 2007, 3:00 p.m. (CST); February 1, 2007, 4:00 p.m. (CST); February 6, 2007, 4:00 p.m. (CST); February 13, 2007, 4:00 p.m. (CST); February 15, 2007, 4:00 p.m. (CST)

PLACE: Holiday Inn Sunspree Resort, 11127 Front Beach Road, Panama City Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presidential Candidate Interviews.

\*\*This is the anticipated schedule and may be subject to change. Notice will be given of any changes.

The **Gulf Coast Community College**, District Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is Dr. Robert L. McSpadden, President.

TIME AND PLACE: February 8, 2007, 10:00 a.m. (CST)

PLACE: Third Floor Seminar Room, Student Union West.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI Council to which the public is invited.

DATE AND TIME: March 7, 2007, 10:00 a.m.

PLACE: Indian River Academy, Room 21, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide updates on training classes and any other issues involving the Region.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 5, 2007

8:00 a.m. Meeting of the Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Ritz Carlton DiLido Hotel, One Lincoln Road, Miami Beach; Titusville High School, 150 Terrier Trail, Titusville; Astronaut High School, 800 War Eagle Boulevard, Titusville; David Nixon Productions, 8601 Commodity Circle, Orlando; and Sand Castle Real Estate Office, 201 108th Avenue, Treasure Island; and The Grove Cobb theatre, Wesley Chapel, Pasco County, Reconsideration of vote: Theriaque Office Building, 433 North Magnolia Drive, Tallahassee.

10:00 a.m. Meeting of the Energy Technical Advisory Committee.

1:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

1:00 p.m. Meeting of the Structural Technical Advisory Committee.

3:00 p.m. Meeting of the Fire Technical Advisory Committee.

DATE AND TIMES: February 6, 2007

9:00 a.m. Meeting of the Education Program Oversight Committee.

10:00 p.m. Meeting of the Hurricane Research Advisory Committee.

1:00 p.m. Meeting of the Plumbing Technical Advisory Committee.

1:00 p.m. Meeting of the Budget Committee.

3:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.  
 Review and approval of the Agenda.  
 Review and approval of the December 5-6, 2006 Minutes and Facilitator's Report; and The Grove Cobb theatre, Wesley Chapel, Pasco County, Reconsideration of vote: Theriaque Office Building, 433 North Magnolia Drive, Tallahassee.

Consideration of requests for waiver from accessibility code requirements: Ritz Carlton DiLido Hotel, One Lincoln Road, Miami Beach; Titusville High School, 150 Terrier Trail, Titusville; Astronaut High School, 800 War Eagle Boulevard, Titusville; David Nixon Productions, 8601 Commodity Circle, Orlando; and Sand Castle Real Estate Office, 201 108th Avenue, Treasure Island.

Consideration of Applications for Product and Entity Approval.

Consideration of Legal Issues and Petitions for Declaratory Statement

Binding Interpretations: Report(s) Only.

Second Hearing:

DCA06-DEC-270 by Cindy, CSP Roof Consultants

DCA06-DEC-273 by Jack McLaughlin, Oriolum Corporation

DCA06-DEC-282 by Bert Kolodziej, PE, ITW Buildex

DCA06-DEC-283 by James Lozier, Hurricane Harness Corporation

DCA06-DEC-284 by Steve Munnell, FRSA

First Hearing:

DCA06-DEC-287 by Phillip Stoller of Perma-Column, Inc.

DCA06-DEC-293 by Dan Wilson of Wilson's Air Conditioning

DCA06-DEC-294 by Joseph R. Webster of Atlantic Windows & Doors, Inc.

DCA06-DEC-299 by Grant E. Tolbert of Hernando County Development Services

DCA06-DEC-300 by Thomas E. Miller, PE, President, Structural Engineering and Inspections, Inc.

DCA07-DEC-002 by Kari Hebrank of 4th Floor Advocacy

DCA07-DEC-004 by Stephen R. Walsh, PE, of Walsh Engineering, Inc.

DCA07-DEC-011 by Billy Tyson, CBO, of Clemmons Rutherford & Associates, Inc.

DATE AND TIME: February 7, 2006

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission continued.

Chair's Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Rule Adoption Hearing on Rule 9B-70, Building Code Training Program.

Rule Development Workshop on Rule 9B-72, Product Approval

Rule Development Workshop on Rule 9B-3, Florida Building Commission

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Energy TAC Report; Fire TAC and Joint Fire TAC/Fire Code Advisory Council Reports; Hurricane Research Advisory Committee Report; Plumbing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report

Report on Special Legislative Session Actions and Commission Follow-up Actions.

Recommendations to the 2007 Legislature

Commission Member Comments and Issues

General Public Comment

Review Committee Assignments and Issues for the March 12-15, 2007 TAC Meetings, and March 26-28, 2007 Commission Meeting

Summary Review of Meeting Work Products

Adjourn.

1:00 p.m. Joint Fire TAC and the Fire Code Advisory Council Meeting

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

A copy of the agenda may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org)

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, or Fax (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, or Fax (850)414-8436, or go to the web site at [www.floridabuilding.org](http://www.floridabuilding.org)

The **Department of Community Affairs**, Century Commission for Sustainable Florida (Century Commission) announces a public meeting to which all persons are invited.

**DATES AND TIMES:** February 5, 2007, 1:00 p.m. – 5:00 p.m.; February 6, 2007, 8:30 a.m. – 4:00 p.m.

**PLACE:** The Holiday Inn Select, 316 West Tennessee Street, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This will be the eighth meeting of the Century Commission. The members will continue to discuss the commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

A copy of the agenda may be obtained by contacting the Century Commission at the Internet address [www.centurycommission.org](http://www.centurycommission.org) or by contacting Steve Seibert, (850)321-9051, [steve@seibertlaw.com](mailto:steve@seibertlaw.com) or Valerie Turner, (850)488-4198, ext. 1165, [valerie.turner@floridahousing.org](mailto:valerie.turner@floridahousing.org)

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact: Rachel Roberts, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-8466, [Rachel.Roberts@dca.state.fl.us](mailto:Rachel.Roberts@dca.state.fl.us). If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

#### **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.

**DATE AND TIME:** Wednesday, February 7, 2007, 9:00 a.m.

**PLACE:** Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by writing to: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces the rescheduling of a prehearing from January 24, 2007 in Docket No. 060763-TL – Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq Florida, Inc.

**DATE AND TIME:** February 7, 2007, 9:30 a.m.

**PLACE:** Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** \*February 12, 2007, 9:30 a.m.

**PLACE:** The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 13, 2007, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Joseph P. Cresse Hearing Room (Room 148), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.florida.psc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 060763-TL – Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq Florida, Inc.

DATE AND TIME: February 14, 2007, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for waiver of carrier of last resort obligations for multitenant property of Collier County known as Treviso Bay, by Embarq Florida, Inc. and for such other purposes as the Commission may deem appropriate.

All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on February 7, 2007. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 19, 2007, 6:00 p.m.

PLACE: Eastmonte Civic Center Auditorium, 830 Magnolia Drive, Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions and comment on other issues.

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, (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: Ralph Jaeger, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, or (850)413-6234.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Legislative Committee will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 1, 2007, 9:30 a.m.

PLACE: Call In Number: 1(888)808-6959, Conference Code 4104765. Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the status of proposed bills, new legislative assignments for upcoming session, hear public input and advisement.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Film Development Fund Exploration Task Force Committee will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 31, 2007, 9:30 a.m.

PLACE: Call In Number: 1(888)808-6959, Conference Code 4104765. Governor's Office of Film & Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue discussion on funding and investment opportunities in Florida.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2007, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, Jacksonville Regional Operations Center, 921 N. Davis St., Bldg. E, Jacksonville, FL 32209

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Northeast Florida Regional Council Local Emergency Planning Committee announces the public meeting to which all persons are invited.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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.

Pursuant to the provisions of 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 Jennifer Bodine at (904)279-0880, ext. 167. If you are 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 Jennifer Bodine at (904)279-0885, ext. 167, e-mail: [jbodine@nefrc.org](mailto:jbodine@nefrc.org)

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Friday, February 2, 2007, 10:00 a.m. Please be advised there will be a Training Committee meeting at 9:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, ext. 335 to confirm date, time, and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by writing to: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org)

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 24, 2007, 10:30 a.m.  
 PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext 33.

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.

Pursuant to the provisions of 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).

For more information, you may contact: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, ext 33.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2007, 10:00 a.m.

PLACE: Miami-Dade County Emergency Operations Center, 9300 N.W. 41st Street, Miami, FL 33178, (305)468-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for FY 2006/07.

A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, via email request to Manny Cela (celam@sfrpc.com), or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

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. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 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 Manny Cela (celam@sfrpc.com), or by calling (954)985-4416.

## WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: February 13, 2007, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. A workshop will follow the board meeting.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 5, 2007, 5:00 p.m.

PLACE: Sumter County Courthouse Commission Chambers, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Council business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only

1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact SWFWMD Executive Department at the address above.

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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, February 7, 2007, 9:00 a.m.

PLACE: Pinellas County Courthouse, 315 Court Street, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD Executive Department at the address above.

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**NOTICE OF CHANGE** – The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 8, 2007, 9:00 a.m.

PLACE: Temple Terrace City Hall, 11250 North 56th Street, Temple Terrace (This is a change from the regular scheduled time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including the amendment of the Alafia River Basin fiscal year 2007 budget to include \$146,000 in unanticipated revenue from Polk County for the Christina Watershed Management Plan project. The proposed amendment will result in a \$146,000 increase in the FY2007 Alafia River Basin budget, with no impact on Basin millage or ad valorem property taxes.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD Executive Department at the address above.

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The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 8, 2007, 1:30 p.m.

PLACE: Temple Terrace City Hall, 11250 North 56th Street, Temple Terrace (This is a change from the regular scheduled time and location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

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.

Pursuant to the provisions of 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 General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD Executive Department at the address above.

The **South Florida Water Management District** announces the following public meeting to which the public and all interested parties are invited.

**DATE AND TIME:** Wednesday, February 7, 2007, 10:00 a.m. The meeting will end upon completion of the business determined by the Governing Board Audit Committee to be addressed on that particular day.

**PLACE:** Fairchild Tropical Botanic Garden (Classroom A), 10901, Old Cutler Road, Coral Gables, FL 33156

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board Audit Committee meeting to discuss and consider District business. Governing Board Audit Committee action may be taken at the meeting.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the proposed agenda for this meeting may be obtained 7 days before the meeting at the (1) District Website: [http://my.sfwmd.gov/portal/page?\\_pageid=382,935058&\\_dad=portal&\\_schema=PORTAL](http://my.sfwmd.gov/portal/page?_pageid=382,935058&_dad=portal&_schema=PORTAL) or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680. This agenda may be supplemented and revised and the order in which items are considered may be changed by the Governing Board at the meeting.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-2087

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

**DATE AND TIME:** Tuesday, February 27, 2007, 10:00 a.m.

**PLACE:** The South Florida Water Management Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/org/ema/toc/draftagenda.html> or (2) by writing to: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

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#### LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 27, 2007, 9:00 a.m.

**PLACE:** Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of an amendment to Rule 42QQ-1.002, Boundary. The proposed rule amendment to Rule 42QQ-1.002, which addresses the boundaries of the Villages of Westport Community Development District, was published in the F.A.W., on November 9, 2006, Vol. 32, No. 45.

A copy of the agenda may be obtained by contacting: Barbara Leighty, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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.

Pursuant to the provisions of 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: Barbara Leighty, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. If you are 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: Barbara Leighty, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE OF RESCHEDULING – The **Agency for Health Care Administration** announces a the meeting on February 1, 2007 has been rescheduled and changed to a telephone conference call to which all persons are invited.

DATE AND TIME: February 9, 2007, 1:00 p.m. – 4:00 p.m. (Rescheduled from February 1, 2007)

PLACE: Dial-In Number 1(877)328-7346, Conference ID# 4143836, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical Advisory Panel Teleconference.

A copy of the agenda may be obtained by contacting Susan Dilmore at [dilmores@ahca.myflorida.com](mailto:dilmores@ahca.myflorida.com)

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a rule development workshop.

DATE AND TIME: February 22, 2007, 11:30 a.m. – 2:30 p.m. (or until business is completed)

PLACE: North Broward Regional Service Center, Conference Room 195, 1400 West Commercial Boulevard, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss rule development relating to condominium insurance and the associated costs of repairing condominium property.

The person to be contacted regarding the proposed rule development and a copy of the preliminary draft is: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

The **Department of Business and Professional Regulation**, Board of Auctioneers announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 14, 2007, 9:00 a.m. (EST) or soon thereafter

PLACE: Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting the board office at (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

For further information, contact: Department of Business and Professional, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, February 13, 2007, 9:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd. Clearwater, FL

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 future meetings will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Garrett at 1(888)862-7010.

Additional information may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

The **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2007, 10:00 a.m. – 12:00 Noon

PLACE: Ichetucknee Springs State Park, 12087 S. W. US 27, Fort White, FL 32038

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Great Birding Trail of Florida.

A copy of the agenda may be obtained by contacting: Amy Thompson at 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@dep.state.fl.us)

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.

Pursuant to the provisions of 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 Amy Thompson, 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@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).

For more information you may contact Amy Thompson at 1(800)868-9914 or [amy.thompson@dep.state.fl.us](mailto:amy.thompson@dep.state.fl.us)

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATES AND TIMES: February 15-16, 2007, 9:00 a.m.; April 12-13, 2007, 9:00 a.m.; May 7, 2007, 6:00 p.m.; June 14-15, 2007, 9:00 a.m.; August 16-17, 2007, 9:00 a.m.; October 11-12, 2007, 9:00 a.m.; November 5, 2007, 6:00 p.m.; December 13-14, 2007;

PLACE: 3900 Commonwealth Boulevard, Marjorie Stoneman Douglas Building, Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Acquisition and Management of public lands. The Acquisition and Restoration Council 2007 Calendar can be found at [www.floridaforever.org](http://www.floridaforever.org) under ARC calendar.

A copy of the agenda may be obtained by contacting: [www.floridaforever.org](http://www.floridaforever.org) or email [wanda.gleaton@dep.state.fl.us](mailto:wanda.gleaton@dep.state.fl.us)

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.

Pursuant to the provisions of 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 Environmental Services, (850)245-2784. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: February 27, 2007, 7:00 p.m.

PLACE: Fort Braden Community Center, 16387 Blountstown Highway, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to present and discuss the proposed land management plan for Lake Talquin State Park with the public.

A copy of the agenda may be obtained by contacting: Barry Burch, Park Manger, (850)922-6007 or email [Barry.Burch@dep.state.fl.us](mailto:Barry.Burch@dep.state.fl.us)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Barry Burch, Park Manger, (850)922-6007 or email [Barry.Burch@dep.state.fl.us](mailto:Barry.Burch@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 Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a workshop to which all persons are invited.

DATE AND TIME: February 28, 2007, 9:00 a.m.

PLACE: Fort Braden Community Center, 16387 Blountstown Highway, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to present and discuss the proposed land management plan for Lake Talquin State Park with the advisory group.

A copy of the agenda may be obtained by contacting: Barry Burch, Park Manger, (850)922-6007 or email [Barry.Burch@dep.state.fl.us](mailto:Barry.Burch@dep.state.fl.us)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: Barry Burch, Park Manger, (850)922-6007 or email Barry.Burch@dep.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

The **Department of Health**, Electrolysis Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 5, 2007, 9:00 a.m. or soon thereafter

PLACE: 1(888)808-6959 after dialing the meet me number, when prompted, enter conference code 4246812343 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or by calling the council office at (850)245-7373.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the council office at (850)245-4373. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Nursing** and Council on Certified Nursing Assistants will hold its duly noticed public meetings, to which all persons are invited to attend, as follows.

DATE AND TIMES: Wednesday, February 7, 2007

8:30 a.m. Council on Certified Nursing Assistants

8:30 a.m. Practice Committee Meeting immediately following

CNA adjournment

Advanced Practice Committee Meeting immediately follows Practice Committee adjournment.

Legislative Committee Meeting immediately follows

Advanced Practice adjournment.

Education Committee Meeting with Board Staff immediately follows Legislative Committee Meeting adjournment

DATE AND TIMES: Thursday, February 8, 2007, 8:30 a.m.

Credentials Committee

8:30 a.m. Education Committee

1:00 p.m. Full Board meeting

DATE AND TIME: Friday, February 9, 2007, 8:30 a.m.

Full Board meeting

PLACE: Tallahassee-Leon County Civic Center, 505 W. Pensacola St., Tallahassee, FL 32301, (850)487-1691

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

DATE AND TIMES: Wednesday, April 11, 2007

8:30 a.m. Council on Certified Nursing Assistants

6:00 p.m. Practice Committee

6:15 p.m. Advanced Practice Committee

6:15 p.m. Legislative Committee

DATE AND TIME: Thursday, April 12, 2007, 8:30 a.m.

8:30 a.m. Credentials Committee

8:30 a.m. Education Committee

1:00 p.m. Full Board meeting

DATE AND TIME: Friday, April 13, 2007, 8:30 a.m.

Full Board meeting

PLACE: Crowne Plaza Tampa East, 10221 Princess Palm Avenue, Tampa, FL. 33610, (813)623-6363

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

DATE AND TIMES: Wednesday, June 6, 2007, 8:30 a.m.

8:30 a.m. Council on Certified Nursing Assistants

6:00 p.m. Practice Committee

6:15 p.m. Advanced Practice Committee

6:15 p.m. Legislative Committee

DATE AND TIMES: Thursday, June 7, 2007

8:30 a.m. Credentials Committee

8:30 a.m. Education Committee

Thursday, 1:00 p.m. Full Board meeting

DATE AND TIME: Friday, June 8, 2007, 8:30 a.m.

Full Board meeting

PLACE: Wyndham Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL. 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

DATE AND TIMES: Wednesday, August 1, 2007

8:30 a.m. Council on Certified Nursing Assistants

6:00 p.m. Practice Committee

6:15 p.m. Advanced Practice Committee

6:15 p.m. Legislative Committee

DATE AND TIMES: Thursday, August 2, 2007

8:30 a.m. Credentials Committee

8:30 a.m. Education Committee

1:00 p.m. Full Board meeting

DATE AND TIME: Friday, August 3, 2007, 8:30 a.m.

Full Board meeting

PLACE: Radisson WorldGate Resort, 3011 Maingate Lane, Kissimmee, FL. 34747, (407)396-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

DATE AND TIMES: Wednesday, October 10, 2007

8:30 a.m. Council on Certified Nursing Assistants

6:00 p.m. Practice Committee

6:15 p.m. Advance Practice Committee

6:15 p.m. Legislative Committee

Wednesday, Education Meeting immediately following the Legislative Meeting

DATE AND TIMES: Thursday, October 11, 2007

8:30 a.m. Credentials Committee

8:30 a.m. Education Committee

1:00 p.m. Full Board meeting

DATE AND TIME: Friday, October 12, 2007, 8:30 a.m.

Full Board meeting

PLACE: Hyatt Regency, 225 East Coast Line Drive, Jacksonville, FL. 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

DATE AND TIMES: Wednesday, November 28, 2007

8:30 a.m. Council on Certified Nursing Assistants

6:00 p.m. Practice Committee

6:15 p.m. Advance Practice Committee

6:15 p.m. Legislative Committee

DATE AND TIMES: Thursday, November 29, 2007

8:30 a.m. Credentials Committee

8:30 a.m. Education Committee

1:00 p.m. Full Board meeting

DATE AND TIME: Friday, November 30, 2007, 8:30 a.m.

Full Board meeting

PLACE: Sheraton Miami Mart (tentative), 711 N. W. 72nd Avenue, Miami, FL 33126, (305)261-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

A copy of the agenda item may be obtained by writing to: Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the

meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: February 12, 2007, 5:30 p.m. – 8:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: February 15, 2007, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists**, Task Force Committee will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Thursday, February 22, 2006, 3:00 p.m.

PLACE: Orlando Marriott Downtown, 400 Livingston Street, Orlando, Florida 32801, (407)843-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General discussion of education programs for orthotic fitter assistant.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/orthPros/index.html](http://www.doh.state.fl.us/mqa/orthPros/index.html)

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The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, February 23, 2006, 9:00 a.m.

PLACE: Orlando Marriott Downtown, 400 Livingston Street, Orlando, Florida 32801, (407)843-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/orthPros/index.html](http://www.doh.state.fl.us/mqa/orthPros/index.html)

The **Department of Health, Board of Pharmacy** announces a telephone conference call to which all interested persons are invited.

DATE AND TIME: February 19, 2007, 10:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Chapter 64B16-30, Disciplinary Guidelines.

For more information, you may contact The Board of Pharmacy, (850)245-4292.

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The **Department of Health, Board of Physical Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 13, 2007, 11:30 a.m. or soon thereafter

PLACE: 1(888)808-6959. After dialing the meet me number, when prompted, enter conference code 1022351047 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 (850)245-4373, ext. 3467.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the board office at (850)245-4373. If you are 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 CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited.

Executive Committee

DATE AND TIME: February 14, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 North US Highway 1, Fort Pierce, Florida 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Highway 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited.

#### ALLIANCE MEETING

**DATE AND TIME:** February 23, 2007, 8:30 a.m. – 10:30 a.m.  
**PLACE:** St. Lucie County Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, Florida 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Highway 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, announces an anchoring and mooring public workshop to which all interested parties are invited.

**DATE AND TIME:** Tuesday, February 13, 2007, 1:00 p.m. – 5:00 p.m.

**PLACE:** Marathon Government Center, State Building, Room 104, 2796 Overseas Highway, Marathon, Florida 33050

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Fish and Wildlife Conservation Commission is holding a workshop regarding anchoring and mooring issues. They will explore with local government, stakeholders, and boating public potential solutions to issues surrounding the anchorage of vessels in state waters.

The person to be contacted regarding the workshop: Major Paul Ouellette, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at

least five calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** February 19, 2007, 8:00 a.m. – 5:00 p.m.; March 6, 2007, 8:00 a.m. – 5:00 p.m.

**PLACE:** Marathon Government Center, 2796 Overseas Hwy., Suite 104, Marathon FL, 33050

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of these meetings is to conduct workshops composed of FWC staff and invited representatives of Florida's commercial lobster and stone crab trap fisheries to assist the FWC with the development of rule language regarding mechanisms to assist the clean-up lobster and stone crab fishing gear immediately following significant storm events.

A copy of the agenda may be obtained by contacting: John Hunt, 2796 Overseas Hwy., Suite 119, Marathon, FL 33050, (305)289-2330.

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

For more information, you may contact: John Hunt, 2796 Overseas Hwy., Suite 119, Marathon FL 33050, (305)289-2330.

#### DEPARTMENT OF FINANCIAL SERVICES

The Risk Underwriting Committee of the **Florida Property and Casualty Joint Underwriting Association (FPCJUA)** announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** February 8, 2007, 1:00 p.m.

**PLACE:** Teleconference 1(866)259-0754

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting replaces the previously noticed January 31, 2007 meeting regarding risk underwriting considerations.

For more information, you may contact Marilyn Huffman (850)513-3874.

#### FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a hearing to which all persons are invited.

**DATE AND TIME:** February 13, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is the Final Public Hearing on the adoption of proposed new Rule 69O-186.017, Certificate of Mortgage Release, Florida Administrative Code, published on November 22, 2006 in Vol. 32, No. 47, of the F.A.W. A Notice of Change was published on January 19, 2007, in Vol. 33, No. 03, of the F.A.W.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-186.017 Certificate of Mortgage Release.

(1) The actuarially sound premium that may be charged for recording a certificate of mortgage release pursuant to Section 701.041, Florida Statutes, is a reasonable fee for actual work performed during the recording of the certificate of mortgage release, not to exceed twenty-five dollars.

Specific Authority Section 701.041(9) FS. Law Implemented Section 701.041(9) FS. History--New\_\_\_\_\_.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

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.

Pursuant to the provisions of 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 calendar days before the workshop/meeting by contacting Peggy Cheng, [Peggy.Cheng@fldfs.com](mailto:Peggy.Cheng@fldfs.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 Peggy Cheng, [Peggy.Cheng@fldfs.com](mailto:Peggy.Cheng@fldfs.com).

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#### **FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST**

The Board of Trustees and the Investment Advisory Board for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: February 2, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Orange County Administration Building, Room 105, 201 S. Rosalind Ave., Orlando, FL 32801

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Administrative Operations.

A copy of the agenda may be obtained by contacting the Trust's Administrator, FACC Service Corporation, at (850)921-0808.

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#### **SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Friday, February 9, 2007, 11:00 a.m.

PLACE: Jacksonville Public Library Building, Room 219, 303 North Laura Street, Jacksonville, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Board of Directors Business Meeting.

A copy of the agenda may be obtained by contacting Mr. Richard C. Dowdy, Program Administrator, at (850)878-1874.

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#### **FLORIDA BIRTH RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION**

The Board of Directors of the **Florida Birth Related Neurological Injury Compensation Association** announces a conference call to which all interested persons are invited.

DATE AND TIME: Thursday, February 15, 2007, 10:00 a.m.

PLACE: If you are interested in participating on the conference call, please contact Minnie Patrick at (850)488-8191

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#### **FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The **FWCJUA** announces a Rates and Forms Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: February 16, 2007, 3:00 p.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Agenda topics will include approval of minutes, 2006 Year-End Reserves; and the Contractor's Supplemental Application.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN THAT the Florida Public Service Commission has received the petition for declaratory statement from Thomas H. Blakey, on December 20, 2006. The petition seeks the agency's opinion as to the applicability of Florida Power & Light tariff sheet 6.020 as it applies to the petitioner.

The petition seeks the agency's opinion as to the applicability of Florida Power & Light tariff sheet 6.020, subsections 2.8 and 2.9, concerning Access to Premises and Right-of-Way, as it applies to entering on Petitioner's property.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges

**NONE**

Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee

**NONE**

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS:**

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering will be required for the project listed below:

Project: UF-155, Martin H. Levin Advocacy Center (University of Florida, Gainesville)

The project consists of the addition of a new courtroom at the Levin College of Law, along with various support, meeting, and office spaces. Services will include analysis and incorporation of Federal/State courtroom standards, plus benchmarking and peer review visits to similar facilities, during the program verification phase. Security, technology, and audio/visual provisions are considered essential for this project. See the facilities program for more information.

The estimated construction budget is between \$3,800,000 and \$4,000,000. The project will be delivered using the Design-Bid-Build method, with award via pre-qualification or Best Value analysis. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.



Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal. Applications on any other form will not be considered.
4. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED certification, 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 professional 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.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning and Construction website on or about February 2, 2007.

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), on Tuesday, February 27, 2007. 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)392-1256  
FAX: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### REQUEST FOR BID

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB07SV-152, HS 07171-39, Yulee Hall Window Replacement, estimated budget: \$240,000, to be opened February 27, 2007, 2:00 p.m. (Local Time). Scope of work: Owner: 1. Remove windows on north and east sides. 2. Dumpster rental and trash disposal. Architectural: 1. Install windows where existing windows were removed. 2. Install blinds at new windows. Mandatory Pre-Bid Meeting will be held February 13, 2007, 10:00 a.m., in Yulee Hall, corner of S. W. 13th Street and Inner Road, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, [kolitsk@ufl.edu](mailto:kolitsk@ufl.edu) or (352)392-1331, ext. 224, [www.purchasing.ufl.edu](http://www.purchasing.ufl.edu).

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

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#### ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m. (local time), on February 8, 2007, for the purpose of selecting a supplier to provide per the bid specifications for:

Pizza Delivery  
Bid 07-391-581

The purpose and intent of this invitation to bid are to select one supplier to provide and deliver fresh pizza and one supplier to provide and deliver Smart Mouth® Pizza kits to sixteen (16) Pinellas County high schools and to secure firm, net pricing for the contract period as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 So. Belcher Road  
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

|   |   |
|---|---|
| CLAYTON M. WILCOX<br>SUPERINTENDENT OF SCHOOLS<br>AND EX-OFFICIO SECRETARY<br>TO THE SCHOOL BOARD | MARY BROWN<br>CHAIRMAN                    |
|   | MARK C. LINDEMANN<br>DIRECTOR, PURCHASING |

TAMPA BAY REVIEW FOR PUBLICATION: January 26, 2007 and February 2, 2007

Request for Qualifications (RFQ)  
 FOR

Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following project:

Project Number: C-90470  
 Project Title: New School K-8 103rd./Westside No. 274  
 Project Location: 103rd Street and Connie Jean Road, Jacksonville, FL

RFQ'S ARE DUE ON OR BEFORE FEBRUARY 20, 2007  
 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: Construction Management services for a new K-8 school for 1228 total student capacity. The estimated construction cost is \$30,800,000.00. The Total Project budget is \$42,000,000; however, DCPS has received appropriations totaling only \$2,000,000 in 2006/2007. Additional appropriation in the amount of \$20,000,000 is expected in 2007/2008, and the remaining appropriation of \$20,000,000 is expected in 2008/2009.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling

expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Design and Construction  
 1701 Prudential Drive – 5th Floor  
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Antonio Gimenez

PHONE NO.: (904)390-2279

MBE GOALS: 20% Overall Participation

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Selection Booklets.

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

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

Volunteer Florida Foundation's Florida Hurricane Relief Fund is pleased to announce a Request for Proposal to address case management needs for the 2005 Florida hurricane survivors remaining in FEMA temporary housing. Proposal guidance and application forms will be available at [www.flahurricane.fund.org](http://www.flahurricane.fund.org) beginning January 26, 2007. Proposals should be submitted by February 9, 2007.

There will be a conference call to discuss specifications of the proposal with all prospective applicants and allow for Q&A on January 31, 2007 at 10:00 a.m. Register for the conference on [www.regonline.com/disasterrelieffunding](http://www.regonline.com/disasterrelieffunding) Upon registering you will receive the call-in and password information.

If you have any questions, please contact Mark Nelson at (850)410-0909 or (850)921-5172, TTY or e-mail [flahurricane.fund@volunteerflorida.org](mailto:flahurricane.fund@volunteerflorida.org).

**METROPOLITAN PLANNING ORGANIZATION**

REQUEST FOR PROPOSALS

"ANNUAL CONTRACT FOR TRANSPORTATION PLANNING CONSULTANT SERVICES"

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), 1926 Victoria Avenue, Fort Myers, Florida 33901, by 5:00 p.m. (local time), Friday, March 2, 2007. Lee County MPO reserves the right to reject any or all proposals.

**SCOPE OF SERVICES:** The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one or more consulting firms to be retained under a two-year contract, with two one-year renewal options. The firms shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing some or all of the types of transportation planning and engineering services described in the scope of services. The transportation planning work may include, but not be limited to, financial resource forecasting and revenue projections, public involvement, corridor and small area studies, goods movement studies, traffic engineering studies, ITS needs assessment, project cost estimation, land use modeling, GOS assistance, long range transit system planning and modeling, transit authority formation studies, and other miscellaneous studies as directed. Proposals must specify which of the services identified in the scope of services the firm or team is proposing to provide and which it is not.

**INVITATION TO PROPOSE:** The program hereby solicits proposals for selection as on-call consultant for planning services to the Lee County MPO. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

**REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:**

**(HOW TO APPLY):** A Request for Proposals document may be obtained by contacting, in writing, Ms. Janice Yell, Lee MPO Purchasing Agent Designee, 1926 Victoria Avenue, Fort Myers, Florida 33901, fax: (239)338-2560 or by email: [jjell@swfrpc.org](mailto:jjell@swfrpc.org). Materials will be sent by regular mail to the requester within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m. Monday, February 12, 2007. Proposals must then be received by the Lee County MPO, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 5:00 p.m. (local time), Friday, March 2, 2007.

This public notice was posted in the lobby of the offices of the Southwest Florida Regional Planning Council and the Lee County MPO at 1926 Victoria Avenue, Fort Myers, Florida 33901, on Friday, January 26, 2007. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

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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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**SEMINOLE COUNTY COALITION FOR SCHOOL READINESS, INC.**

The Seminole County Coalition for School Readiness, Inc. dba Early Learning Coalition of Seminole is soliciting applications for the following service areas for the period of July 1, 2007 through June 30, 2008 with two one-year options to renew. This is an initial offering, though the Coalition reserves the right to withdraw any or all of following:

Service Area #1. Childcare Resource and Referral; Child Eligibility Determination and Enrollment; Provider Qualification Services, Provider Payment Processing and Reconciliation; and School Readiness Local Match Generation/Reporting

Service Area #2. School Readiness Child Performance Improvement Services

Service Area #3. Provider Program/Compliance Monitoring and Corrective Action Assistance

Service Area #4. Professional Development and Early Education Training Support

An Applicant's Conference will be held January 29, 2007, 9:00 a.m., at the Seminole County Public School Education Support Center, 400 East Lake Mary Boulevard, Sanford, FL 32733. A Notice of Intent to Apply is due not later than 12:00 Noon, on January 31, 2007. Applications must be received at the Coalition office not later than 12:00 Noon, on February 19, 2007.

Interested parties may download the request for proposals at [www.seminoleearlylearning.org](http://www.seminoleearlylearning.org) after 12:00 Noon, January 16, 2007.

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**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

**NOTICE TO DESIGN-BUILD FIRMS**

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Florida Statutes 287.055, letters of interest from design-build firms desiring to render design-build services for the following project:

CARGO ROAD EXTENSION FROM OHIO AVE. TO  
HILLSBOROUGH AVENUE  
TAMPA INTERNATIONAL AIRPORT  
HCAA PROJECT NO. 8009 07

Services to be furnished will include, but not be limited to, roadway civil engineering, traffic planning and signalization, maintenance of traffic along with all required drainage, landscape and utility design typical for a 1.4 mile long four

lane divided urban roadway project, basic services during construction, construction by a qualified contractor and related surveys and testing. A more detailed scope of services will be included in the formal request for qualifications.

**Significant Dates:**

Letters of interest due: NLT 5:00 p.m. on January 31, 2007  
 RFP/RFQ posted on web site: After 12:00 Noon, February 8, 2007  
 Mandatory pre-proposal conference: At 2:00 p.m., February 22, 2007  
 Proposal Due: by 5:00 p.m., March 14, 2007

For additional information on submitting letters of interest, location of meeting and other project details, go to the Authority website at [www.tampaairport.com](http://www.tampaairport.com); Quick Links, Airport Business, RFP/RFQ Information.

**HILLSBOROUGH COUNTY AVIATION AUTHORITY**

By: /s/ Louis E. Miller  
 Louis E. Miller, Executive Director

**Section XII  
 Miscellaneous**

**DEPARTMENT OF LEGAL AFFAIRS**

**NOTICE OF AVAILABILITY  
 VOCA Grant Funds**

Announcement: The Office of the Attorney General is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2007, through September 30, 2008.

Application and Deadline: The annual competitive grant process involves submission of an application, followed by an evaluation that includes an application review and site visits as determined necessary. An application may be obtained through the Office of the Attorney General's web page at <http://my.floridalegal.com/> under the heading of Crime Victims' Services. If you are unable to download a copy of the application you may call (850)414-3380. The deadline for applying for a VOCA grant under this notice is no later than

5:00 p.m. (Eastern Standard Time), on February 23, 2007. Faxed or electronic submission of the application is not acceptable.

**DEPARTMENT OF EDUCATION**

**NOTIFICATION OF INTENT TO OPERATE THE SUMMER  
 FOOD SERVICE PROGRAM FOR CHILDREN**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the fiscal year 2007. The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization, or a National Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Service Program for Children, 1(800)504-6609.

In accordance with Title 7 Code of Federal Regulations, Part 225; the Florida Department of Education (FLDOE), Food and Nutrition Management Section, will administer the Summer Food Service Program (SFSP) for the federal fiscal year ending September 30, 2007.

The primary purpose of the Program is to provide breakfast, lunch, supper, and/or snack supplements to economically needy children during periods when public schools are generally closed for summer recess. Commercial food service vendors wishing to learn more about participating in the SFSP may write for a vendor registration and guidance package to the address below. Successful vendor registration will require copies of the following: a current Florida business license; the two most recent public health agency inspection reports; a completed SFSP vendor registration form; and evidence of general and product liability insurance and comprehensive delivery vehicle coverage. The last day to return this registration package of required documents will be February 9, 2007. U.S. Postal date marks or private carrier dates for mailing will be used to determine timeliness.

For additional information, please contact the Food and Nutrition Management Section of FLDOE at 1(800)504-6609. The primary contact person for vendor registration is David Whetstone, and Amy White, SFSP Supervisor, is the contact for other questions concerning this Program.

Please direct written inquires to: Florida Department of Education, Food and Nutrition Management, 325 West Gaines Street, Room 1044, Tallahassee, FL 32399-0400.

**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 subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-05-2007-004  
 DATE RECEIVED: January 12, 2007  
 DEVELOPMENT NAME: NORTH OAK BAPTIST (CITRUS SPRINGS)  
 DEVELOPER/AGENT: Brian McNelly  
 DEVELOPMENT TYPE: 28-24.020, F.A.C.  
 LOCAL GOVERNMENT: Citrus County

FILE NO.: BLIM-06-2007-005  
 DATE RECEIVED: January 16, 2007  
 DEVELOPMENT NAME: VISTANA RESORT  
 DEVELOPER/AGENT: Thomas E. Francis  
 DEVELOPMENT TYPE: 28-24.023, 28-24.020, 28-24.031 F.A.C.  
 LOCAL GOVERNMENT: Orange County

DCA Final Order No.: DCA07-OR-005  
 STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND  
 DEVELOPMENT REGULATIONS  
 ADOPTED BY ORDINANCE NO. 2006-25

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On November 13, 2006, the Department received for review City of Marathon Ordinance No. 2006-25 that was adopted by the City of Marathon Board of City Commissioners on October 24, 2006 ("Ord. 2006-25"). Ord. 2006-25 creates Section 19-219, Prohibited Areas for Sales of Alcoholic Beverages, in order to regulate the amount and location of package liquor stores in a manner that preserves and maintains existing community character of the neighborhoods in which such stores would be located, and to benefit the health, safety and welfare of the community.
3. Ord. 2006-25 is consistent with the City's 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2006-25 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2006-25 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (l) To protect the public health, safety and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique resource.
9. Ord. 2006-25 is not inconsistent with the remaining Principles. Ord. 2006-25 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2006-25 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 THOMAS G. PELHAM  
 Secretary  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of January, 2007.

\_\_\_\_\_  
 Paula Ford, Agency Clerk

By U.S. Mail:  
 Honorable Christopher M. Bull, Mayor  
 City of Marathon  
 10054-55 Overseas Highway  
 Marathon, Florida 33050

Diane Clavier, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

DCA Final Order No.: DCA07-OR-006  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2006-29

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On November 13, 2006, the Department received for review City of Marathon Ordinance No. 2006-29 that was adopted by the City of Marathon Board of City Commissioners on October 10, 2006 ("Ord. 2006-29"). Ord. 2006-29 amends Marathon Ordinance No. 2004-012 to be consistent with Policy 1-3.5.4 of the City of Marathon Comprehensive Plan. Ordinance No. 004-12 provided for annual allocation of non-residential rate of growth (NROGO) based on the number of residential units, at a ratio of 238 square feet of NROGO space per ROGO residential unit. Ord. 2006-29 replaces this allocation methodology with a maximum NROGO allocation of 25,000 square feet per year, deletes conflicting provisions, adjusts existing and proposed

NROGO totals, and updates the annual allocation date to be consistent with the effective date of the Marathon Comprehensive Plan.

3. Ord. 2006-29 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 2006-29 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 2006-29 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

9. Ord. 2006-29 is not inconsistent with the remaining Principles. Ord. 2006-29 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2006-29 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

THOMAS G. PELHAM  
Secretary  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of January, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Christopher M. Bull, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050  
Diane Clavier, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050



Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

DCA Final Order No.: DCA07-OR-007  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS  
In re: LAND DEVELOPMENT REGULATIONS ADOPTED  
BY CITY OF KEY WEST  
ORDINANCE NO. 06-22

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2006), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On November 15, 2006 the Department received for review City of Key West Ordinance No. 06-22, which was adopted by the City of Key West City Commission on November 9, 2006 ("Ord. 06-22"). Ord. 06-22 amends Section 114-102 of the Code of Ordinances pertaining to the use of motion lights and miniature lights in the historic-zoned neighborhoods of the City to preserve community character and promote the health, safety and welfare of the citizens of Key West.
3. Ord. 06-22 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2006).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2006) and Rule 28-36.001, Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 06-22 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd., 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code.
8. Ord. 06-22 promotes and furthers the following Principles in Rule 28-36.003(1):
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
  - (g) To protect the historical heritage of the Florida Keys.
10. Ord. 06-22 is not inconsistent with the remaining Principles. Ord. 06-22 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-22 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

THOMAS G. PELHAM  
Secretary  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION

SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of January, 2007.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Morgan McPherson  
Mayor, City of Key West  
P.O. Box 1409  
Key West, Florida 33041

Cheryl Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041

Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041

\_\_\_\_\_  
DCA Order No. DCA07-OR-008

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS  
ORDINANCE NO. 06-21

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On November 17, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-21 ("Ord. No. 06-21") adopted by the Village on November 9, 2006.
3. The purpose of the Ordinance is to ensure compliance and consistency with Section 163.3180(16) Fla. Stat. (2006) that requires local governments to adopt by ordinance, a methodology for assessing proportionate fair-share mitigation options with regard to impacts on transportation facilities.
4. Ord. 06-21 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 06-21 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2006). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 06-21 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments, including (No. 5) Transportation facilities.

10. Ord. 06-21 is not inconsistent with the remaining Principles. Ord. 06-21 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-21 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
THOMAS G. PELHAM

Secretary

Department of Community Affairs

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of January, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Christ Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA07-OR-009

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND

DEVELOPMENT REGULATIONS ADOPTED

BY MONROE COUNTY

ORDINANCE NO. 037-2006

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On November 13, 2006, the Department received for review Monroe County Ordinance No. 037-2006 ("Ord. 037-2006"), adopted by Monroe County on October 18, 2006.

3. The purpose of the Ordinance is to amend Section 9.5-124 to create a definition for a Boat Barn; amend Section 9.5-124.2 to provide that boat barns and boat racks not associated with retail sales of boats which do not exceed 50 percent of the net buildable area of the lot/parcel are not considered nonresidential floor area and are exempt from the Non Residential Rate of Growth Ordinance (ROGO) requirements and floor area calculations; amend Sections 9.5-124.2 and 9.5-124.3 relating to the type of development affected; and to amend the setback and bufferyard requirements for marinas.
4. The term "Boat Barn" is not referenced or authorized as a permitted use in any existing Monroe County land use district and, therefore, shall be construed as an Accessory Structure as defined in Section 9.5-4(A-2) to a Marina (M-5) and authorized only in land use districts authorized for marinas consistent with Section 9.5-231 General, (a) which states that "No structure or land in Monroe County shall hereafter be developed, used or occupied unless expressly authorized in a land use district in this division."
5. Ordinance 037-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 037-2006 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
10. Ord. 037-2006 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

11. Ord. 037-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 037-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

---

THOMAS G. PELHAM  
 Secretary  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of January, 2007.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

**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 (2005), Mod Cycles Corp., intends to allow the establishment of Advanced Bike Concepts, as a dealership for the sale of Zongshen motorcycles and Zhejiang Taizhou motorcycles at 1320 East Altamonte Drive, Altamonte Springs (Seminole County), Florida 32701, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Advanced Bike Concepts are dealer operator(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169; principal investor(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169.

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, MS65, 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: Carlos R. Ponce, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of All About Automobiles, Inc., as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 815 South Semoran Boulevard, Orlando (Orange County), Florida 32807, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of All About Automobiles, Inc. are dealer operator(s): Steve Wade, II, 815 South Semoran Boulevard, Orlando, Florida 32807; principal investor(s): Steve Wade, II, 815 South Semoran Boulevard, Orlando, Florida 32807.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), Pioneer Motors USA, LLC, intends to allow the establishment of Amazing Autos, as a dealership for the sale of Pioneer motorcycles at 618 South Collins Street, Plant City (Hillsborough County), Florida 33563, on or after December 21, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Amazing Autos are dealer operator(s): Greg Davis, 1505 South Hunter Street, Plant City, Florida 33563, and Rick Jones, 439 Sweet Water Way, Haines City, Florida 33844; principal investor(s): Greg Davis, 1505 South Hunter Street, Plant City, Florida 33563, and Rick Jones, 439 Sweet Water Way, Haines City, Florida 33844.

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, MS65, 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: Lisa J. Grant, Corporate Member, Pioneer Motors USA, LLC, 108 Waterview Drive, Hot Springs, Arkansas 71913-2999.

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 (2005), Zongshen, Inc., intends to allow the establishment of American Scooter International, Inc., as a dealership for the sale of Zongshen motorcycles at 2685 Northwest 105th Avenue, Miami (Dade County), Florida 33172, on or after January 5, 2007.

The name and address of the dealer operator(s) and principal investor(s) of American Scooter International, Inc. are dealer operator(s): Leonardo Llaneza, 2685 Northwest 105th Avenue, Miami, Florida 33172; principal investor(s): Leonardo Llaneza, 2685 Northwest 105th Avenue, Miami, Florida 33172.

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, MS65, 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: Jieming (Tiger) Qiu, Zongshen, Inc., 3511 Northwest 113 Court, Doral, Florida 33178.

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 (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 1901 Northwest 67th Place, Suite A, Gainesville (Alachua County), Florida 32653, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises, LLC d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 1901 Northwest 67th Place, Suite A, Gainesville, Florida 32653; principal investor(s): Collin Austin, 1901 Northwest 67th Place, Suite A, Gainesville, Florida 32653.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Aztec Scooter Company, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 132 West Park Avenue, Suite 7, Edgewater (Volusia County), Florida 32132, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Aztec Scooter Company are dealer operator(s): Chance Cacdac, 132 West Park Avenue, Suite 7, Edgewater, Florida 32132; principal investor(s): Chance Cacdac, 132 West Park Avenue, Suite 7, Edgewater, Florida 32132.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Kawasaki Motors Corp., U.S.A., intends to allow the relocation of Beach Motor Sports Corp., as a dealership for the sale of Kawasaki motorcycles from its present location at 15255 West Dixie Highway, North Miami Beach, Florida 33162 to a proposed location at 4202 South University Boulevard, Davie (Broward County), Florida 33328, on or after March 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Beach Motor Sports Corp. are dealer operator(s): Arturo Godoy, 891 Southwest 171 Terrace, Pembroke Pines, Florida 33027; principal investor(s): Arturo Godoy, 891 Southwest 171 Terrace, Pembroke Pines, Florida 33027, and Julio Alonso, 1315 Country Club Prado, Coral Gables, Florida 33134.

The notice indicates an intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida 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, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Capps, Regional Sales Director, Kawasaki Motors Corp., U.S.A., 6110 Boat Rock Boulevard, Southwest, Atlanta, Georgia 30336-2776.

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 (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Best Buy Vehicles, Inc., as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 3525 South U.S. 1, Ft. Pierce (Saint Lucie County), Florida 34982, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Best Buy Vehicles, Inc. are dealer operator(s): Jim Buchheit, 3525 South U.S. 1, Ft. Pierce, Florida 34982; principal investor(s): Jim Buchheit, 3525 South U.S. 1, Ft. Pierce, Florida 34982.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), United Motors of America, intends to allow the establishment of Big Dog Marine Service Center, as a dealership for the sale

of Jiangsu Sacin Motor Co. LTD (SKTM) motorcycles at 7653 Blanding Boulevard, Jacksonville (Duval County), Florida 32244, on or after February 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Big Dog Marine Service Center are dealer operator(s): Gary Mudge, 2469 Cypress Springs Road, Orange Park, Florida 32073; principal investor(s): Gary Mudge, 2469 Cypress Springs Road, Orange Park, Florida 32073.

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, MS65, 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: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of City Cycle, Inc., as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 984 West Prospect Road, Oakland Park (Broward County), Florida 33309, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of City Cycle, Inc. are dealer operator(s): James Nuhn, 141 Northwest 34th Street, Oakland Park, Florida 33309; principal investor(s): James Nuhn, 141 Northwest 34th Street, Oakland Park, Florida 33309.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Environmental Dynamics, Inc. d/b/a First Coast Powersports, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 825 South Ponce DeLeon Boulevard, St. Augustine (St. Johns County), Florida 32086, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Environmental Dynamics, Inc. d/b/a First Coast Powersports are dealer operator(s): Shawn McDonald, 825 South Ponce DeLeon Boulevard, St. Augustine, Florida 32086; principal investor(s): Shawn McDonald, 825 South Ponce DeLeon Boulevard, St. Augustine, Florida 32086.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Family Fun Powersports, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 1569 CR 543B, Sumterville (Sumter County), Florida 33585, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Family Fun Powersports are dealer operator(s): Daniel Nemkovich, 1569 CR 543B, Sumterville, Florida 33585; principal investor(s): Daniel Namkovich, 1569 CR 543B, Sumterville, Florida 33585.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that Pacific Cycle, Inc., intends to allow the establishment of Fast Trixx Powersports, Inc., as a dealership for the sale of Guangzhou Panyu Huanan (SHWI) motorcycles at 2386 Allen Road, Tallahassee (Leon County), Florida 32312, on or after January 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trixx Powersports, Inc. are dealer operator(s): Daniel Maddox, 12005 Cedar Bluff Trail, Tallahassee, Florida 32312; principal investor(s): Daniel Maddox, 12005 Cedar Bluff Trail, Tallahassee, Florida 32312.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Fortis USA, Inc. d/b/a Scooters of Palm Beach and Fortis Auto Mall, as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 2100 Boca Rio Road, A-8, Boca Raton (Palm Beach County), Florida 33433, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Fortis USA, Inc. d/b/a Scooters of Palm Beach and Fortis Auto Mall are dealer operator(s): Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487

and MaryAnn Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487; principal investor(s): Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487 and MaryAnn Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Ali-J, Inc. d/b/a Freedom Powersports, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 941 Country Club Boulevard, Cape Coral (Lee County), Florida 33990, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Ali-J, Inc. d/b/a Freedom Powersports are dealer operator(s): Jeffrey Free, 941 Country Club Avenue, Cape Coral, Florida 33990; principal investor(s): Jeffrey Free, 941 Country Club Avenue, Cape Coral, Florida 33990.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Gasoline Alley, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 10 South Scenic Highway, Frostproof (Polk County), Florida 33843, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Gasoline Alley are dealer operator(s): Bob O'Hara, 10 South Scenic Highway, Frostproof, Florida 33843; principal investor(s): Bob O'Hara, 10 South Scenic Highway, Frostproof, Florida 33843.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that LS Motorsports, LLC, intends to allow the establishment of Gulf Coast Auto Wholesale, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) at 1103 Eglin Parkway, Shalimar (Okaloosa County), Florida 32579, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Auto Wholesale, Inc. are dealer operator(s): Tim Marshall, 1103 Eglin Parkway, Shalimar, Florida 32579; principal investor(s): Tim Marshall, 1103 Eglin Parkway, Shalimar, Florida 32579.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS Motorsports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that LS MotorSports, LLC, intends to allow the establishment of Gulf Coast Auto Wholesale, Inc., as a dealership for the sale of Zhejiang Lingyun (ZHEL),

Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) at 2195 Byron Butler Parkway, Perry (Taylor County), Florida 32348, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Gulf Coast Auto Wholesale, Inc. are dealer operator(s): Tim Marshall, 2195 Byron Butler Parkway, Perry, Florida 32348; principal investor(s): Tim Marshall, 2195 Byron Butler Parkway, Perry, Florida 32348.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), Flyscooters, LLC, intends to allow the establishment of Loon's Lagoon, LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (BAMC) at 234 Highway A1A, Satellite Beach (Brevard County), Florida 32937, on or after January 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Loon's Lagoon, LLC are dealer operator(s): Greg and Joan Shonk, 234 Highway A1A, Satellite Beach, Florida 32937; principal investor(s): Greg and Joan Shonk, 234 Highway A1A, Satellite Beach, Florida 32937.

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, MS65, 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: Tom MacKenzie, Flyscooters, LLC, 824 South East Fleming Way, Stuart, Florida 34997-1558.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Marine Outlet Center, Inc., as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 5701 Sarah Avenue, Sarasota (Sarasota County), Florida 34233, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Marine Outlet Center, Inc. are dealer operator(s): Chuck McFarlin, 5701 Sarah Avenue, Sarasota, Florida 34233; principal investor(s): Chuck McFarlin, 5701 Sarah Avenue, Sarasota, Florida 34233.

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, MS65, 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: Mathu Solo, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that Universal Parts, Inc., intends to allow the establishment of Minibikes of Florida, Inc., as a dealership for the sale of JMSTAR motorcycles at 2200 US Highway 301 North, Unit 4A, Palmetto (Manatee County), Florida 34221, on or after January 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Minibikes of Florida, Inc. are dealer operator(s): Mark Cannon, 4212 Cape Vista Drive, Bradenton, Florida 34209; principal investor(s): Mark Cannon, 4212 Cape Vista Drive, Bradenton, Florida 34209.

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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Celestian, President, Universal Parts, Inc., 2401 72nd Street North, St. Petersburg, Florida 33710.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Mojo Powersports, Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters,

as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Powersports, Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters are dealer operator(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), notice is given that Bajaj USA, LLC, intends to allow the establishment of Motomania Powersports, LLC, as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 3264 Southeast Dixie Highway, Stuart (Martin County), Florida 34997, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Motomania Powersports, LLC are dealer operator(s): William Talero, 5910 Loxahatchee Pines Drive, Jupiter, Florida 33458; principal investor(s): William Talero, 5910 Loxahatchee Pines Drive, Stuart, Florida 33458.

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, as amended by Chapter 88-395, Laws of Florida, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Pine Forest Cycles, Inc., as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 6808 Pine Forest Road, Pensacola (Escambia County), Florida 32526, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Pine Forest Cycles, Inc. are dealer operator(s): Michael R. Charon, 622 Edgewater Drive, Pensacola, Florida 32507 and Jeffrey O. Bridges, Sr., 7010 Ben Sasser Drive, Pensacola, Florida 32526; principal investor(s): Michael R. Charon, 622 Edgewater Drive, Pensacola, Florida 32507 and Jeffrey O. Bridges, Sr., 7010 Ben Sasser Drive, Pensacola, Florida 32526.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), A & A Scooter, Inc., intends to allow the establishment of Power & Play Warehouse, Inc., as a dealership for the sale of Bashan motorcycles (BASH) at 31 Northeast First Street, Pompano Beach (Broward County), Florida 33060, on or after January 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Power & Play Warehouse, Inc. are dealer operator(s): Thomas McMahan, Jr., 31 Northeast First Street, Pompano Beach, Florida 33060; principal investor(s): Thomas McMahan, Jr., 31 Northeast First Street, Pompano Beach, Florida 33060.

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, MS65, 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: Leah Jordan, Licensing Specialist, A & A Scooter, Inc., 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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 (2005), Pacific Cycle, Inc., intends to allow the establishment of Scooter Escapes, LLC, as a dealership for the sale of Guangzhou Panyu Huanan (SHWI) motorcycles at 1450 First Avenue North, St. Petersburg (Pinellas County), Florida 33705, on or after January 4, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Escapes, LLC are dealer operator(s): Chris Densmore, 1450 First Avenue North, St. Petersburg, Florida 33705; principal investor(s): Chris Densmore, 1450 First Avenue North, St. Petersburg, Florida 33705.

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, MS65, 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: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin 53711.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of St. Pete Scooter, LLC, as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 1029 4th Street North, St. Petersburg (Pinellas County), Florida 33701, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of St. Pete Scooter, LLC are dealer operator(s): Derrick P. Calandra, 1025 Montrose Boulevard,



North, St. Petersburg, Florida 33704; principal investor(s): Derrick P. Calandra, 1025 Montrose Boulevard, North, St. Petersburg, Florida 33704.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of St. Pete Jeep, Inc., d/b/a St. Pete Powersports, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 555 34th Street South, St. Petersburg (Pinellas County), Florida 33711, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of St. Pete Jeep, Inc. d/b/a St. Pete Powersports are dealer operator(s): William Douglas, 555 34th Street South, St. Petersburg, Florida 33711; principal investor(s): William Douglas, 555 34th Street South, St. Petersburg, Florida 33711.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), notice is given that Medtec Ambulance Corporation, intends to allow the establishment of Ten-8 Fire Equipment, Inc., as a dealership for the sale of Medtec Ambulances at 2904 59th Avenue Drive East, Bradenton (Manatee County), Florida 34203, on or after January 12, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Ten-8 Fire Equipment, Inc. are dealer operator(s): Dann Bouwer, 2904 59th Avenue Drive, East, Bradenton, Florida 34203, Don Bouwer, 2904 59th Avenue Drive, East, Bradenton, Florida 34203 and Mark Jones, 2904 59th Avenue Drive, East, Bradenton, Florida 34203; principal investor(s): Dann Bouwer, 2904 59th Avenue Drive, East, Bradenton, Florida 34203, Don Bouwer, 2904 59th Avenue Drive, East, Bradenton, Florida 34203 and Mark Jones, 2904 59th Avenue Drive, East, Bradenton, Florida 34203.

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, as amended by Chapter 88-395, Laws of Florida, 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: Pete Evans, General Manager, Medtec Ambulance Corporation, 2429 Lincolnway East, Goshen, Indiana 46526.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Top Dawg Motorsports, Inc., as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 903 South Pinellas Avenue, Tarpon Springs (Pinellas County), Florida 34689, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Top Dawg Motorsports, Inc. are dealer operator(s): Mark Faucette, 1100 Haley Lane, Dunedin, Florida 34698, Steve Yeckinevich, 1875 Sunset Point Road, Clearwater, Florida 33765; principal investor(s): Mark Faucette, 1100 Haley Lane, Dunedin, Florida 34698, Steve Yeckinevich, 1875 Sunset Point Road, Clearwater, Florida 33765.

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, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Pacific Cycle, Inc., intends to allow the establishment of Treasure Coast Motorcycle Center, Inc., as a dealership for the sale of Guangzhou Panyu Huanan (SHWI) motorcycles at 6695 US Highway 1, Suite A, Vero Beach (Indian River County), Florida 32967, on or after January 2, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Treasure Coast Motorcycle Center, Inc. are dealer operator(s): Richard Kita, 1190 40th Avenue, Southwest Vero Beach, Florida 32968 ; principal investor(s): Richard Kita, 1190 40th Avenue, Southwest Vero Beach, Florida 32968.

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, as amended by Chapter 88-395, Laws of Florida, 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: Mike Wolfgram, Pacific Cycle, Inc., 4902 Hammersley Road, Madison, Wisconsin, 53711.

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 (2005), Universal Parts, Inc., intends to allow the establishment of TRT Florida Motor Sports, as a dealership for the sale of JMSTAR motorcycles at 5933 Innisbrook Court, Jacksonville (Duval County), Florida 32222-1364, on or after January 11, 2007.

The name and address of the dealer operator(s) and principal investor(s) of TRT Florida Motor Sports are dealer operator(s): Thomas Thornton, 5933 Innisbrook Court,

Jacksonville, Florida 32222-1364; principal investor(s): Thomas Thornton, 5933 Innisbrook Court, Jacksonville, Florida 32222-1364.

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, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Celestian, President, Universal Parts, 2401 72nd Street, North, St. Petersburg, Florida 33710.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Truck Pro's Sales Center, Inc., as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 531 North Highway 1792, Longwood (Seminole County), Florida 32750, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Truck Pro's Sales Center are dealer operator(s): Paul Shreck, 531 North Highway 1792, Longwood, Florida 32750; principal investor(s): Paul Shreck, 531 North Highway 1792, Longwood, Florida 32750.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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 (2005), Bajaj USA, LLC, intends to allow the establishment of Wala Corporation d/b/a Vespa Jacksonville, as a dealership for the sale of Shanghai Meitian motorcycles (MEIT) at 1128 North 3rd Street, Jacksonville (Duval County), Florida 32250, on or after January 8, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Wala Corporation d/b/a Vespa Jacksonville are dealer operator(s): Tom Bolc, 1128 North 3rd Street, Jacksonville, Florida 32250; principal investor(s): Tom Bolc, 1128 North 3rd Street, Jacksonville, Florida 32250.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Al Kolvites, Bajaj USA, LLC, 409 Littlefield Avenue, South San Francisco, California 94080-6106.

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 (2005), LS MotorSports, LLC, intends to allow the establishment of Walt Mart Auto Wholesale, as a dealership for the sale of Zhejiang Lingyun (ZHEL), Chongqing Lifan (CHOL), Chongqing Zongshen (ZONG) and Jiangsu Linhai (LINH) motorcycles at 250 East Bahama Road, Winter Springs (Seminole County), Florida 32708, on or after December 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Walt Mart Auto Wholesale are dealer operator(s): Vernon M. Conley, 250 East Bahama Road, Winter Springs, Florida 32708; principal investor(s): Vernon M. Conley, 250 East Bahama Road, Winter Springs, Florida 32708.

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, MS65, 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: Mathu Solo, President, LS MotorSports, LLC, 12505 Reed Road, Suite 145, Sugar Land, Texas 77478.

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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**WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District (District) intends to grant a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters

(December 3, 2006), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to St. Augustine St. Johns County Airport Authority for improvements to an existing seaplane facility in St. Johns County. These rules are designed to protect Class II and shellfish harvesting waters and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to Class II waters. The petitioner seeks a variance pursuant to subsection 373.414(17), F.S., in conjunction with Environmental Resource Permit Application 4-109-28307-25, to construct a seaplane facility consisting of a fixed and floating dock, pilings, an aircraft lift, and a floating parking pad. The work would occur in the Tolomato River, which in this area is a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the F.A.W., on January 5, 2007. The District's Governing Board is scheduled to take final action on the petition for variance and the related permit application at its meeting on February 13, 2007.

A person whose substantial interests are or may be determined by the District's intended action has the right to request an administrative hearing by filing a written petition with the District. Mediation is not available. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received) by hand delivery or mail with the District Clerk at District Headquarters, 4049 Reid St., Palatka, FL 32177, or by e-mail with the District Clerk at [Clerk@sjrwmd.com](mailto:Clerk@sjrwmd.com) within fourteen (14) days of this publication date (for those persons to whom the District does not send actual notice). A petition for an administrative hearing is deemed filed upon receipt of the petition by the District Clerk at the District Headquarters. Receipt by the District Clerk after 5:00 p.m., shall be considered filed as of 8:00 a.m. on the next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, which is available at [www.sjrwmd.com](http://www.sjrwmd.com) or upon request to the District Clerk. The District does not accept petitions by facsimile. Petitions must comply with Sections 120.54(5)(b)4 and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., and Chapter 28-106, F.A.C., and Section 40C-1.1007, F.A.C.

If the Governing Board takes action which substantially differs from this notice, persons who may be substantially affected have an additional 14 days from the date of receipt of notice of said action to request an administrative hearing, but the request for administrative hearing shall only address the substantial deviation.

Pursuant to Section 120.68, F.S., a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal

pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District and filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, F.S., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S., or for rules adopted after issuance of a final order resulting from an evidentiary hearing under Section 120.56, F.S.

Failure to observe the relevant time frames for filing a petition will result in waiver of that right to review.

The petition for variance (F.O.R. 2006-113) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at District Headquarters. To request copies or inspection of these files, contact Tara Boonstra, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)329-4448.

The St. Johns River Water Management District (District) announces the intent to grant a variance to the Florida Department of Environmental Protection. Pursuant to Section 373.414(17), F.S., FDEP is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-061-75850-3, for widening and lengthening the existing boat ramps along with the construction of a floating dock at Sebastian Inlet State Park, in Indian River County. Most of the planned construction is proposed to occur directly in a portion of the Indian River, which is categorized as a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Notice of receipt of the petition for variance was published in the Florida Administrative Weekly on January 19, 2007. The District's Governing Board is scheduled to take final action on the petition for variance and the related permit application at its meeting on February 13, 2007.

A person whose substantial interests are or may be determined by the District's proposed decision has the right to request an administrative hearing by filing a written petition with the District. Mediation is not available. Pursuant to Chapter

28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received) by hand delivery or mail with the District Clerk at District Headquarters, 4049 Reid St., Palatka, FL 32177, or by e-mail with the District Clerk at Clerk@sjrwmd.com, within fourteen (14) days of the District depositing notice of its decision in the mail (for those persons to whom the District sends actual notice) or within fourteen (14) days of newspaper publication of the notice of District decision (for those persons to whom the District does not send actual notice). A petition for an administrative hearing is deemed filed upon receipt of the petition by the District Clerk at the District Headquarters. Receipt by the District Clerk after 5:00 p.m. shall be considered filed as of 8:00 a.m. on the next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, which is available at [www.sjrwmd.com](http://www.sjrwmd.com) or upon request to the District Clerk. The District does not accept petitions by facsimile. Petitions must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., and Chapter 28-106, F.A.C., and Section 40C-1.1007, F.A.C.

If the Governing Board takes action which substantially differs from the notice of District intended action, persons who may be substantially affected have an additional 14 days from the date of receipt of notice of said action to request an administrative hearing, but the request for administrative hearing shall only address the substantial deviation.

Pursuant to Section 120.68, F.S., a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, F.S., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S., or for rules adopted after issuance of a final order resulting from an evidentiary hearing under Section 120.56, F.S.

Failure to observe the relevant time frames for filing a petition will result in waiver of that right to review.

The petition for variance (F.O.R. 2004-66) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of these files should be made to Kealey West, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)329-4448.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS  
NOTICE OF HOSPITAL FIXED NEED POOLS FOR PSYCHIATRIC AND SUBSTANCE ABUSE BEDS**

The Agency for Health Care Administration has projected fixed bed need pools for adult and children and adolescent psychiatric and adult substance abuse beds for July 2012 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, and 59C-1.041, F.A.C. Net bed need projections for adult and children and adolescent psychiatric and adult substance abuse hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. A fixed need pool projection for children and adolescent substance abuse beds is not made because the administrative rule governing this service does not include a mathematical formula for the calculation of need. An applicant seeking approval for these types of beds must establish need in its application. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 12, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for

Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Psychiatric and Substance Abuse Net Bed Need  
Children &**

|                 | Adult<br>Psychiatric<br>Beds<br>Net<br>Adjusted<br>Bed Need | Adolescent<br>Psychiatric<br>Beds<br>Net<br>Adjusted<br>Bed Need | Adult<br>Substance<br>Abuse Beds<br>Net<br>Adjusted<br>Bed Need |
|-----------------|---|--|---|
| District 1      | 0   | 0  | 0   |
| District 2      | 0   | 0  | 0   |
| District 3      | 0   | 0  | 4   |
| District 4      | 0   | 0  | 0   |
| District 5      | 0   | 0  | 0   |
| District 6      | 0   | 0  | 0   |
| District 7      | 0   | 0  | 0   |
| District 8      | 0   | 0  | 0   |
| District 9      | 0   | 0  | 0   |
| District 10     | 0   | 0  | 0   |
| District 11     | 0   | 0  | 0   |
| Total Statewide | 0   | 0  | 4   |

**NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS  
NOTICE OF HOSPITAL FIXED NEED POOLS FOR COMPREHENSIVE MEDICAL REHABILITATION BEDS**

The Agency for Health Care Administration has projected a fixed bed need pool for comprehensive medical rehabilitation hospital beds for July 2012 pursuant to the provisions of Rules 59C-1.008 and 59C-1.039, F.A.C. Net bed need projections for comprehensive medical rehabilitation hospital beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 12, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the F.A.W. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made

in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Comprehensive Medical Rehabilitation Bed Need**

|                 | Net<br>Adjusted<br>Bed Need |
|-----------------|-----------------------------|
| District 1      | 0                           |
| District 2      | 0                           |
| District 3      | 0                           |
| District 4      | 0                           |
| District 5      | 0                           |
| District 6      | 0                           |
| District 7      | 0                           |
| District 8      | 0                           |
| District 9      | 0                           |
| District 10     | 0                           |
| District 11     | 0                           |
| Total Statewide | 0                           |

**NOTICE OF FIXED NEED POOL FOR NEONATAL INTENSIVE CARE SERVICES FOR LEVEL II AND LEVEL III BEDS**

The Agency for Health Care Administration has projected a fixed need pool for Level II and Level III neonatal intensive care unit services for July 2009, pursuant to the provisions of Rules 59C-1.008 and 59C-1.042, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., February 12, 2007.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a

waiver of the person’s right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

**Fixed Need Pool Projections**

**Neonatal Intensive Care Level II & Level III Services**

|                 | Level II<br>Net Need | Level III<br>Net Need |
|-----------------|----------------------|-----------------------|
| District 1      | 4                    | 0                     |
| District 2      | 0                    | 0                     |
| District 3      | 2                    | 2                     |
| District 4      | 0                    | 4                     |
| District 5      | 0                    | 0                     |
| District 6      | 0                    | 16                    |
| District 7      | 0                    | 0                     |
| District 8      | 0                    | 0                     |
| District 9      | 0                    | 0                     |
| District 10     | 0                    | 0                     |
| District 11     | 0                    | 0                     |
| Statewide Total | 6                    | 22                    |

**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**

On January 11, 2007, Joseph J. Chiaro, M.D., FAAP Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Paige Bunch, R.N., license number RN 3175042. This Emergency Suspension Order was predicated upon the Secretary’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 Secretary 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 January 10, 2007, Joseph J. Chiaro, M.D., FAAP Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Beverley C. Dunston, R.N. license number RN 1898242. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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 January 11, 2007, Joseph J. Chiaro, M.D., FAAP Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Anna Marie Gajdzis, L.P.N., license number PN 5148856. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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 January 11, 2007, Joseph J. Chiaro, M.D., FAAP Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Alicia Kersey, R.N., license number RN 2881622. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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 January 10, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Steve L. MacDonald, L.P.N., license number PN 1341291. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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 January 11, 2007, Joseph J. Chiaro, M.D., FAAP Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Bami Parsons, C.N.A. license number 122944. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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 January 10, 2007, Joseph J. Chiaro, M.D., FAAP, Interim Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kimberly Yolanda Williams, L.P.N., license number PN 5163188. This Emergency Suspension Order was predicated upon the Secretary'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 Secretary 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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#### **FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XIX) for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Chapter 67-48, Florida Administrative Code (F.A.C.).

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

A minimum of 10% of SAIL program funds shall be distributed for New Construction or Substantial Rehabilitation of Commercial Fishing Worker/Farmworker housing.

Florida Housing currently anticipates making approximately \$4,500,000 from the Cycle XIX allocation available for this purpose. These funds will be awarded through a competitive Request for Proposal process.

All proposals must be submitted to: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, in accordance with the provisions specified in the RFP.

For more information on the timing of this RFP process contact Derek Helms at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at 1(800)955-8770 and 1(800)955-8771.

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DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF TREASURY  
BUREAU OF COLLATERAL MANAGEMENT  
PUBLIC DEPOSITS SECTION

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FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

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**ALABAMA**

**ATMORE**  
UNITED BANK

**BIRMINGHAM**  
COMPASS BANK  
REGIONS BANK  
SUPERIOR BANK

**MONTGOMERY**  
COLONIAL BANK, N.A.

**FLORIDA**

**APALACHICOLA**  
COASTAL COMMUNITY BANK

**ARCADIA**  
FIRST STATE BANK OF ARCADIA

**AVENTURA**  
TURNBERRY BANK

**BARTOW**  
CITRUS & CHEMICAL BANK  
COMMUNITY NATIONAL BANK AT BARTOW

**BELLE GLADE**  
BANK OF BELLE GLADE

**BOCA RATON**  
FIRST SOUTHERN BANK  
FIRST UNITED BANK  
PARADISE BANK

**BONIFAY**  
BANK OF BONIFAY

**BRADENTON**  
COAST BANK OF FLORIDA  
FIRST AMERICA BANK  
FLAGSHIP NATIONAL BANK

**BRANDON**  
PLATINUM BANK

**BROOKSVILLE**  
HERNANDO COUNTY BANK

**CAPE CORAL**  
RIVERSIDE BANK OF THE GULF COAST

**CARRABELLE**  
GULF STATE COMMUNITY BANK

**CASSELBERRY**  
R-G CROWN BANK

**CHIEFLAND**

DRUMMOND COMMUNITY BANK

**CLEWISTON**

FIRST BANK OF CLEWISTON

OLDE CYPRESS COMMUNITY BANK

**COCOA BEACH**

SUNRISE BANK

**CORAL GABLES**

BANKUNITED, F.S.B.

COMMERCEBANK, N.A.

GIBRALTAR PRIVATE BANK & TRUST COMPANY

INTERNATIONAL BANK OF MIAMI, N.A.

**CRAWFORDVILLE**

WAKULLA BANK

**CRESTVIEW**

FIRST NATIONAL BANK OF CRESTVIEW

**CRYSTAL RIVER**

CRYSTAL RIVER BANK

**DADE CITY**

FIRST NATIONAL BANK OF PASCO

**DANIA BEACH**

COMMUNITY BANK OF BROWARD

**DAVIE**

REGENT BANK

**DUNNELLON**

DUNNELLON STATE BANK

**ENGLEWOOD**

ENGLEWOOD BANK

PENINSULA BANK

**FERNANDINA BEACH**

FIRST COAST COMMUNITY BANK

FIRST NATIONAL BANK OF NASSAU COUNTY

**FORT LAUDERDALE**

BANKATLANTIC

EQUITABLE BANK

LANDMARK BANK, N.A.

**FORT MYERS**

EDISON NATIONAL BANK

FLORIDA GULF BANK

IRONSTONE BANK

**FORT PIERCE**

HARBOR FEDERAL SAVINGS BANK

RIVERSIDE NATIONAL BANK OF FLORIDA

**FORT WALTON BEACH**

BEACH COMMUNITY BANK

FIRST CITY BANK OF FLORIDA

FIRST NATIONAL BANK & TRUST

**FROSTPROOF**

CITIZENS BANK & TRUST

**GAINESVILLE**

FLORIDA CITIZENS BANK

MERCHANTS & SOUTHERN BANK

MILLENNIUM BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY

PEOPLES BANK OF GRACEVILLE

**HALLANDALE**

DESJARDINS BANK, N.A.

**HOMESTEAD**

COMMUNITY BANK OF FLORIDA

FIRST NATIONAL BANK OF SOUTH FLORIDA

**HOMOSASSA**

HOMOSASSA SPRINGS BANK

**IMMOKALEE**

FLORIDA COMMUNITY BANK

**INDIANTOWN**

FIRST BANK AND TRUST COMPANY OF INDIANTOWN

**INVERNESS**

BANK OF INVERNESS

**JACKSONVILLE**

EVERBANK

**JACKSONVILLE BEACH**

OCEANSIDE BANK

**KEY LARGO**

TIB BANK

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**KISSIMMEE**

CENTERSTATE BANK CENTRAL FLORIDA, N.A.

**LAKE CITY**

COLUMBIA BANK  
PEOPLES STATE BANK

**LANTANA**

STERLING BANK

**LEESBURG**

CENTERSTATE BANK MID FLORIDA

**LIVE OAK**

FIRST FEDERAL SAVINGS BANK OF FLORIDA

**LONGWOOD**

\*ORLANDO NATIONAL BANK

**MADISON**

MADISON COUNTY COMMUNITY BANK

**MARATHON**

MARINE BANK

**MARIANNA**

FIRST CAPITAL BANK

**MAYO**

LAFAYETTE STATE BANK

**MIAMI**

BAC FLORIDA BANK  
CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK  
COMMERCIAL BANK OF FLORIDA  
CONTINENTAL NATIONAL BANK OF MIAMI  
EAGLE NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK  
EXECUTIVE NATIONAL BANK  
GREAT FLORIDA BANK  
INTERAMERICAN BANK, F.S.B.  
MELLON UNITED NATIONAL BANK

METRO BANK OF DADE COUNTY

NORTHERN TRUST, N.A.  
OCEAN BANK  
SOFISA BANK OF FLORIDA  
TOTALBANK  
TRANSATLANTIC BANK  
U.S. CENTURY BANK

**MILTON**

FIRST NATIONAL BANK OF FLORIDA

**MONTICELLO**

FARMERS & MERCHANTS BANK

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA  
FLORIDA CHOICE BANK

**NAPLES**

BANK OF NAPLES  
COMMUNITY BANK OF NAPLES, N.A.  
ORION BANK  
PARTNERS BANK

**NEW SMYRNA BEACH**

FRIENDS BANK

**NICEVILLE**

PEOPLES NATIONAL BANK

**NORTH LAUDERDALE**

SECURITY BANK, N.A.

**NORTH PALM BEACH**

ENTERPRISE NATIONAL BANK OF PALM BEACH

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**OCALA**

ALARION BANK  
COMMUNITY BANK & TRUST OF FLORIDA  
INDEPENDENT NATIONAL BANK

**ORANGE PARK**

HERITAGE BANK OF NORTH FLORIDA

**ORLANDO**

CNLBANK  
MERCANTILE BANK

ORANGE BANK OF FLORIDA  
UNITED HERITAGE BANK

**ORMOND BEACH**  
CYPRESSCOQUINA BANK

**OVIEDO**  
CITIZENS BANK OF FLORIDA

**PALATKA**  
FIRST FEDERAL BANK OF NORTH FLORIDA  
PUTNAM STATE BANK

**PANAMA CITY**  
BAY BANK & TRUST COMPANY  
FIRST NATIONAL BANK NORTHWEST FLORIDA  
PEOPLES FIRST COMMUNITY BANK  
VISION BANK

**PENSACOLA**  
BANK OF PENSACOLA  
BANK OF THE SOUTH  
FIRST GULF BANK, N.A.  
GULF COAST COMMUNITY BANK

**PERRY**  
CITIZENS BANK OF PERRY

**PINELLAS PARK**  
FIRST COMMUNITY BANK OF AMERICA

**PORT CHARLOTTE**  
BUSEY BANK, N.A.

**PORT RICHEY**  
REPUBLIC BANK

**PORT ST. JOE**  
BAYSIDE SAVINGS BANK

**PORT ST. LUCIE**  
FIRST PEOPLES BANK

**ST. AUGUSTINE**  
BANK OF ST. AUGUSTINE  
PROSPERITY BANK

**ST. CLOUD**  
PUBLIC BANK

**ST. PETERSBURG**  
SIGNATURE BANK  
SYNOVUS BANK OF TAMPA BAY

**SANTA ROSA BEACH**  
BANKTRUST

**SARASOTA**  
PEOPLE'S COMMUNITY BANK OF THE WEST COAST

**SEBRING**  
HEARTLAND NATIONAL BANK  
HIGHLANDS INDEPENDENT BANK

**SOUTH MIAMI**  
FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**  
COMMUNITY STATE BANK

**STUART**  
GULFSTREAM BUSINESS BANK  
SEACOAST NATIONAL BANK

**TALLAHASSEE**  
CAPITAL CITY BANK  
HANCOCK BANK OF FLORIDA  
PREMIER BANK  
TALLAHASSEE STATE BANK  
THE BANK OF TALLAHASSEE

**TAMPA**  
BANK OF ST. PETERSBURG  
FIRST CITRUS BANK

**TEQUESTA**  
INDEPENDENT COMMUNITY BANK

**THE VILLAGES**  
CITIZENS FIRST BANK

**TRINITY**  
PATRIOT BANK

**UMATILLA**  
UNITED SOUTHERN BANK

**VALPARAISO**  
VANGUARD BANK & TRUST COMPANY

**VERO BEACH**

CITRUS BANK, N.A.  
INDIAN RIVER NATIONAL BANK

**WAUCHULA**

FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**

FIDELITY FEDERAL BANK & TRUST  
FLAGLER BANK  
GRAND BANK & TRUST OF FLORIDA

**WILLISTON**

PERKINS STATE BANK

**WINTER HAVEN**

CENTERSTATE BANK OF FLORIDA, N.A.

**WINTER PARK**

BANKFIRST  
RIVERSIDE BANK OF CENTRAL FLORIDA

**ZEPHYRHILLS**

CENTERSTATE BANK WEST FLORIDA, N.A.

**GEORGIA**

**ATLANTA**

SUNTRUST BANK

**COLQUITT**

PEOPLESOUTH BANK

**DARIEN**

SOUTHEASTERN BANK

**MOULTRIE**

AMERICAN BANKING COMPANY

**LOUISIANA**

**NEW ORLEANS**

WHITNEY NATIONAL BANK

**MASSACHUSETTS**

**BOSTON**

ONEUNITED BANK

**MICHIGAN**

**GRAND RAPIDS**

FIFTH THIRD BANK

**MISSISSIPPI**

**JACKSON**

TRUSTMARK NATIONAL BANK

**NEVADA**

**LAS VEGAS**

CITIBANK, N.A.

**NEW YORK**

**NEW YORK CITY**

BANCO POPULAR NORTH AMERICA  
INTERVEST NATIONAL BANK

**NORTH CAROLINA**

**CHARLOTTE**

BANK OF AMERICA, N.A.  
WACHOVIA BANK, N.A.

**ROCKY MOUNT**

RBC CENTURA BANK

**WINSTON-SALEM**

BRANCH BANKING & TRUST COMPANY

**OHIO**

**WILMINGTON**

LIBERTY SAVINGS BANK, F.S.B.

**PENNSYLVANIA**

**PHILADELPHIA**

COMMERCE BANK, N.A.

**TEXAS**

**HOUSTON**

ENCORE BANK

**WISCONSIN**

**MILWAUKEE**

M&I MARSHALL & ILSLEY BANK

\*\*\*\*\*  
THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.  
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**AMSOUTH BANK**

BIRMINGHAM, ALABAMA

AMSOUTH BANK (BIRMINGHAM, ALABAMA) WAS  
MERGED WITH AND INTO REGIONS BANK  
(BIRMINGHAM, ALABAMA) EFFECTIVE NOVEMBER 6,  
2006.

**GULFSTREAM COMMUNITY BANK**

PORT RICHEY

GULFSTREAM COMMUNITY BANK HAS CHANGED  
ITS NAME TO REPUBLIC BANK.

**MARINE BANK OF THE FLORIDA KEYS**

MARATHON

MARINE BANK OF THE FLORIDA KEYS HAS  
CHANGED ITS NAME TO MARINE BANK.

**NORTHERN TRUST BANK OF FLORIDA, N.A.**

MIAMI

NORTHERN TRUST BANK OF FLORIDA, N.A. HAS  
CHANGED ITS NAME TO NORTHERN TRUST, N.A.

**TIB BANK OF THE KEYS**

KEY LARGO

TIB BANK OF THE KEYS HAS CHANGED ITS NAME TO  
TIB BANK.

**TRI-COUNTY BANK**

TRENTON

TRI-COUNTY BANK (TRENTON) WAS MERGED WITH  
AND INTO AMERICAN BANKING COMPANY  
(MOULTRIE, GEORGIA) AS OF THE CLOSE OF  
BUSINESS NOVEMBER 17, 2006.

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**FINANCIAL SERVICE COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation,  
Division of Financial Institutions, has received a request by a  
credit union to expand its field of membership. Specific  
information regarding the expansion can be found at  
<http://www.fldfs.com/ofr/banking/cufm.asp>. 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 the 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., February 16, 2007):  
Name and Address of Applicant: Gulf States Credit Union,  
Post Office Box 945110, Maitland, Florida 32751  
Expansion Includes: Select Employee Groups  
Received: January 9, 2007  
Name and Address of Applicant: FLAG Credit Union, 3115  
Conner Boulevard, Tallahassee, FL 32311-3813  
Expansion Includes: Associations  
Received: January 11, 2007  
Name and Address of Applicant: Florida Telco Credit Union,  
Post Office Box 16688, Jacksonville, Florida 32245  
Expansion Includes: Geographic  
Received: January 12, 2007

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN January 8, 2007  
 and January 12, 2007**

| Rule No.                         | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------------------------------|-----------|----------------|-------------------|------------------|
| <b>PUBLIC SERVICE COMMISSION</b> |           |                |                   |                  |
| 25-6.034                         | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.0341                        | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.0342                        | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.0345                        | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.064                         | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.078                         | 1/12/07   | 2/1/07         | 32/27             | 32/51            |
| 25-6.115                         | 1/12/07   | 2/1/07         | 32/27             | 32/51            |

**DEPARTMENT OF CORRECTIONS**

|            |        |         |       |  |
|------------|--------|---------|-------|--|
| 33-601.302 | 1/8/07 | 1/28/07 | 32/47 |  |
| 33-601.724 | 1/8/07 | 1/28/07 | 32/47 |  |

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Board of Professional Engineers**

|              |        |         |       |  |
|--------------|--------|---------|-------|--|
| 61G15-20.007 | 1/9/07 | 1/29/07 | 32/49 |  |
| 61G15-22.011 | 1/9/07 | 1/29/07 | 32/49 |  |

**Board of Professional Surveyors and Mappers**

|              |        |         |       |  |
|--------------|--------|---------|-------|--|
| 61G17-3.0025 | 1/9/07 | 1/29/07 | 32/49 |  |
| 61G17-5.001  | 1/9/07 | 1/29/07 | 32/49 |  |
| 61G17-5.0043 | 1/9/07 | 1/29/07 | 32/49 |  |

**Board of Veterinary Medicine**

|              |         |         |       |  |
|--------------|---------|---------|-------|--|
| 61G18-17.001 | 1/11/07 | 1/31/07 | 32/41 |  |
|--------------|---------|---------|-------|--|

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|            |         |         |       |  |
|------------|---------|---------|-------|--|
| 62-204.800 | 1/11/07 | 1/31/07 | 32/47 |  |
|------------|---------|---------|-------|--|

| Rule No.   | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|------------|-----------|----------------|-------------------|------------------|
| 62-204.800 | 1/8/07    | 1/8/07         | 32/50             |                  |
| 62-296.340 | 1/11/07   | 1/31/07        | 32/47             |                  |

**DEPARTMENT OF HEALTH  
 Board of Dentistry**

|             |        |         |       |       |
|-------------|--------|---------|-------|-------|
| 64B5-16.002 | 1/9/07 | 1/29/07 | 32/44 | 32/50 |
|-------------|--------|---------|-------|-------|

**Board of Medicine**

|             |         |         |       |       |
|-------------|---------|---------|-------|-------|
| 64B8-2.001  | 1/10/07 | 1/30/07 | 32/40 | 32/50 |
| 64B8-8.001  | 1/10/07 | 1/30/07 | 32/40 |       |
| 64B8-8.019  | 1/10/07 | 1/30/07 | 32/40 | 32/50 |
| 64B8-9.0092 | 1/10/07 | 1/30/07 | 32/36 | 32/50 |

**Board of Nursing**

|            |        |         |       |  |
|------------|--------|---------|-------|--|
| 64B9-3.002 | 1/9/07 | 1/29/07 | 32/49 |  |
|------------|--------|---------|-------|--|

**Board of Osteopathic Medicine**

|              |        |         |       |  |
|--------------|--------|---------|-------|--|
| 64B15-13.001 | 1/9/07 | 1/29/07 | 32/49 |  |
|--------------|--------|---------|-------|--|

**Board of Podiatric Medicine**

|              |        |         |       |  |
|--------------|--------|---------|-------|--|
| 64B18-17.001 | 1/9/07 | 1/29/07 | 32/49 |  |
|--------------|--------|---------|-------|--|

**Board of Psychology**

|              |        |         |       |  |
|--------------|--------|---------|-------|--|
| 64B19-12.002 | 1/8/07 | 1/28/07 | 32/49 |  |
|--------------|--------|---------|-------|--|

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Manatees**

|            |         |         |       |  |
|------------|---------|---------|-------|--|
| 68C-22.027 | 1/10/07 | 1/30/07 | 32/31 |  |
|------------|---------|---------|-------|--|

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

|           |         |         |       |  |
|-----------|---------|---------|-------|--|
| 69J-7.003 | 1/11/07 | 1/31/07 | 32/41 |  |
|-----------|---------|---------|-------|--|