

The deadline for submitting written questions and letters of intent for this RFP is January 30, 2009, by 2:00 p.m. (EST). Letters of intent are encouraged but not mandatory. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of February 2, 2009. The deadline for submitting proposals for this RFP to FDDC is February 27, 2009, by 2:00 p.m. (EST).

## Section XII Miscellaneous

### DEPARTMENT OF ELDER 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 victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Special consideration will be given to those applicants who provide therapeutic counseling services to victims of child pornography, child victims of Cybercrime, and innocent victims of gang violence. 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, 2009, through September 30, 2010.

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://myfloridalegal.com/> under the heading of Victims' Services, then click on Advocacy and VOCA Grants. 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), February 27, 2009. Faxed or electronic submission of the application is not acceptable.

### DEPARTMENT OF EDUCATION

#### PUBLIC ANNOUNCEMENT OF MEP SELECTION RESULTS

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Cary White Renovation for MEP Engineering Services

1. Matern
2. Simes & Rosch
3. McVeigh & Mangum

### DEPARTMENT OF COMMUNITY AFFAIRS

#### NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES DCA DOCKET NUMBER 02-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement ("Agreement") entered into by Baker County, Macclenny, Glen St. Mary and the Baker County School Board, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Baker County Planning and Zoning Department, 81 North Third Street, Macclenny, Florida 32063.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2) and (3), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Baker County, Macclenny, Glen St. Mary and the Baker County School Board. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.3177(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 11-01

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Collier County School Board and Collier County, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Collier County, Comprehensive Planning Department, 2800 North Horseshoe Drive, Naples, Florida 34104.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Collier County School Board

and Collier County. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charles Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 01-06

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Alachua County School Board and each of the City of HIGH SPRINGS, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: City of High Springs, 110 N. W. 1st Avenue, High Springs, Florida 32643.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The

petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with: Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Alachua County School Board and the City of High Springs. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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NOTICE OF INTENT TO FIND PUBLIC SCHOOLS  
 INTERLOCAL AGREEMENT CONSISTENT WITH  
 SECTIONS 163.31777(2) AND (3), FLORIDA STATUTES  
 DCA DOCKET NO. 13-32

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Miami-Dade County School Board and the Town of Miami Lakes, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at: Town of Miami Lakes, Town Hall, 15700 N. W. 67th Avenue, Suite 302, Miami Lakes, Florida 33014.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Miami-Dade County School Board and the Town of Miami Lakes. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at: Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

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-s-Charlie Gauthier, AICP  
 Director, Division of Community Planning  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of September 10, 2008:

- County: Marion Service District: 3  
 CON # 10032 Decision Date: 12/12/2008 Decision: D  
 Facility/Project: Psycare Services of Central Florida, LLC  
 Applicant: Psycare Services of Central Florida, LLC  
 Project Description: Establish a 27 bed adult inpatient psychiatric hospital  
 Approved Cost: \$0
- County: St. Johns Service District: 4  
 CON # 10033 Decision Date: 12/12/2008 Decision: A  
 Facility/Project: Flagler Hospital  
 Applicant: Flagler Hospital, Inc.  
 Project Description: Establish a 7 bed Level II Neonatal Intensive Care Unit  
 Approved Cost: \$1,175,123.00
- County: Lee Service District: 8  
 CON # 10034 Decision Date: 12/12/2008 Decision: A  
 Facility/Project: The Pavilion at HealthPark, LLC  
 Applicant: The Pavilion at HealthPark, LLC  
 Project Description: Establish a 76 bed adult inpatient psychiatric hospital  
 Approved Cost: \$21,118,201.00

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**PILOTAGE RATE REVIEW BOARD**  
 IN RE: APPLICATION OF TAMPA BAY PILOTS ASSOCIATION FOR RATE INCREASE IN THE PORTS OF TAMPA BAY

The Board therefore determines that the rates of pilotage at the Ports of Tampa Bay shall be increased to the following rates effective February 1, 2009:

1. A draft charge of \$37.96 per draft foot for the first year the increase is in effect (no changes to minimum charge for draft);
2. A draft charge of \$39.27 per draft foot for the second year the increase is in effect and thereafter (no changes to minimum charge for draft);
3. A tonnage charge of \$.0700 per Gross Registered Ton (GRT) for the first year the increase is in effect (no changes to minimum charge for tonnage)
4. A tonnage charge of \$.0713 per GRT for the second year the increase is in effect and thereafter (no changes to minimum charge for tonnage);
5. Shifting rates for Year 1 of the increase for:
  - ZONE A – 3/8 of the draft plus tonnage rate for the first year;
  - Zone B – 3/4 of the draft plus tonnage rate for the first year;
  - ZONE C – draft plus tonnage rates for the first year  
Minimum Charge – \$322.80
6. Shifting rates for Year 2 of the increase for:
  - ZONE A – 3/8 of the draft plus tonnage rate for the second year and thereafter;
  - Zone B – 3/4 of the draft plus tonnage rate for the second year and thereafter;
  - ZONE C – draft plus tonnage rates for the second year and thereafter;  
Minimum Charge – \$347.33
7. A Docking charge of \$67.00 for vessels less than 5,000 GRT for the first year the increase is in effect;
8. A Docking charge of \$72.00 for vessels less than 5,000 GRT for the second first year the increase is in effect and thereafter;
9. A Docking charge of \$100.00 for vessels between 5,000 and 10,000 GRT for the first year the increase is in effect;

10. A Docking charge of \$107.00 for vessels between 5,000 and 10,000 GRT for the second year the increase is in effect and thereafter;
11. A Docking charge of \$134.00 for vessels over 10,000 GRT for the first year the increase is in effect;
12. A Docking charge of \$143.00 for vessels over 10,000 GRT for the second year the increase is in effect and thereafter.

Done and Ordered this 23rd day of December, 2008.

Clarence T. Johnson, Jr., Chair, PILOTAGE RATE REVIEW BOARD

#### NOTICE OF HEARING RIGHTS

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the: Executive Director, Board at Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, F.A.C., including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, F.A.C.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

Unless a proper WRITTEN request for a hearing is received on or before the above-stated deadline or if a request for hearing is made, but the request is subsequently withdrawn, the Pilotage Rate Review Board will act in accordance with the provisions of Rule 61E13-2.011, F.A.C., and this Order shall become final on February 1, 2009.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### NOTICE OF FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On December 30, 2008, the Siting Coordination Office received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes (F.S.), concerning

FPL's Cape Canaveral Energy Center in Brevard County, Florida, Power Plant Siting Application No. PA08-53, OGC Case No. 08-2971. The application would allow FPL to demolish the 43-year-old existing Cape Canaveral plant (two nominal 400 megawatt conventional dual-fuel fired generating units and support facilities) and construct in its place what it describes as a modern, lower-emission, more efficient clean energy center using the latest combined-cycle technology. A copy of the application for certification is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 3900 Commonwealth Blvd., M.S. 48, Tallahassee, Florida 32399-3000, (850)245-2002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S., as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such

conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

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#### **DEPARTMENT OF HEALTH**

On January 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Elaine Hasara, L.P.N. license number PN 754451. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), F.S. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Kathleen Lee Johnson, L.P.N. license number PN 5166874. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 5, 2009, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Johann N. Prewett, Ph.D. license number PY 4331. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections

456.073(8) and 120.60(6), F.S. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 29, 2008, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of James Joseph Tongel, R.N. license number RN 2239142. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### **FISH AND WILDLIFE CONSERVATION COMMISSISON**

Pursuant to paragraph 68A-25.004(2)(f), F.A.C., the Florida Fish and Wildlife Conservation Commission announces the availability of one Alligator Farm Permit granting a farmer the eligibility to participate in the collection of alligator hatchlings from the wild as provided in paragraph 68A-25.031(1)(a), F.A.C.

Persons wishing to apply for an available permit shall do so in writing within 30 days of publication of the notice in the Florida Administrative Weekly. Only persons licensed as alligator farmers pursuant to Section 372.6673, F.S., may apply, and only one application per person will be accepted. Written applications and questions concerning the permit or the application process may be addressed to: Dwayne Carbonneau, Fish and Wildlife Commission, 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479, (352)732-1712.

The HGM Alligator Farm Program Coordinator will assign the available permit based on a random drawing of qualified applicants at: 1515 E. Silver Springs Blvd., Suite 106, Ocala, FL 34479, at least 30 days after the date of this publication.

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#### **FINANCIAL SERVICES COMMISSION**

##### **NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to: Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing.

However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., February 6, 2009):

**APPLICATION TO MERGE**

Constituent Institutions: First Community Bank of Southwest Florida, Fort Myers, Florida, and Community Bank of Cape Coral, Cape Coral, Florida

Resulting Institution: First Community Bank of Southwest Florida

Received: December 30, 2008

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**PUBLIC NOTICE**

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for eligible costs to repair and/or replace facilities damaged by Hurricane Gustav occurring during the period starting August 31, 2008 and ending September 7, 2008. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. Under a major disaster declaration (FEMA-1806-DR-FL) signed by the President on October 27, 2008, the following counties have been designated eligible for PA: Bay, Escambia, Franklin, Gulf, Okaloosa, and Santa Rosa. Additional counties may be designated at a later date. All counties in the State of Florida are eligible for HMGP.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historical, environmental, legal and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine

what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

FEMA has determined that for certain types of facilities there are normally no better alternatives to restoration in the floodplain/wetland. These are facilities that meet all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% of the cost to replace the entire facility, and is less than \$100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous Presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility that contains dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except for certain measures to mitigate the effects of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities that do not meet the four criteria are required to undergo more detailed review, including study of alternate locations. Subsequent public notices regarding such projects will be published if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize floodplain/wetland impacts, and determine both that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain/wetland, and that the site is the only practicable alternative. State of Florida and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

FEMA intends to provide HMGP funding to the State of Florida to mitigate future disaster damages. These projects may include construction of new facilities that exceed code requirements, modification of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide

additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the PA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to: Federal Emergency Management Agency, Joint Field Office, 2501 Principal Road, Orlando, Florida 32837, or by calling (407)858-6201. Comments should be sent in writing to Jeffrey Bryant, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.

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