

Tower-OHL Group is requesting Sealed Bids from Pre-Qualified Trade Contractors for all applicable trades for construction on the above referenced project until 2:00 p.m., Tuesday May 5, 2009.

Project Scope: RTI, Phase 4 primarily includes construction of the following: 2-story, 20,500sf Billeting Bldg. East Wing; 3-story, 41,500sf Billeting Bldg. West Wing, 6,800sf Dining Facility Expansion, 1,200sf Pre-Engineered Weapons Cleaning Canopy, 7,000sf Pre-Engineered Covered Dining Patio, interconnecting Covered Walkways for all of RTI, Landscaping and Irrigation for all of RTI, two new Chillers, Combative Pit, 1/2 mile Running Track, Emergency Access Road, Milling and Re-Surfacing of Apalachicola and Panama City Roads, Expansion to Parking Lots, Stairway Finish Upgrades at the Phase 2 Billeting Bldg., and Floor Finish Upgrades at the existing RTI Administration Building. Design and construction materials will be consistent with the earlier phased construction of the RTI Complex.

Pre-Qualification: Only bidders that meet pre-qualification criteria will be allowed to bid. Pre-Qualification Packages are available at: Jacksonville office, 11315 Business Park Blvd., Jacksonville, FL, starting April 3, 2009. As part of the pre-qualification an executed original of the Tower-OHL Master Subcontract Agreement must accompany the submission of the fully completed and signed pre-qualification forms. Pre-qualification packages are due to Tower-OHL by 2:00 p.m., Friday, April 10, 2009, to be considered for evaluation. Tower-OHL will review all properly received Pre-Qualification Packages for eligibility to bid. Evaluation of the Pre-Qualification Packages and response by fax to all that submitted Pre-Qualification Packages will be by Thursday, April 16, 2009. Bid packages for the project will be available in our office starting Friday, April 17, 2009, for those that have pre qualified.

Minority Program: Minority Business Enterprises (MBE) are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the office of Supplier diversity.

Bonding Requirements: 100% labor and performance bonds may be required from successful bidders. The cost of the material and performance bond shall be listed in the space on the proposal form as a net add to the base bid.

Bid Packages: Bid Packages will be available and may be picked up at the office of Tower-OHL/Jacksonville starting Friday, April 17, 2009.

Bid Submittal: Sealed bids will be received on Tuesday, May 5, 2009.

Questions: Questions concerning bidding and project scope are to be sent by Fax to: Tower-OHL, Fax: (904)292-4865, Attention: Questions received after Friday, April 24, 2009 will not be accepted. All questions that have been submitted will be answered in an addendum on April 28, 2009.

## Section XII Miscellaneous

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Tobacco Marketing Order

The Department of Agriculture and Consumer Services announces a referendum on the proposed Amended Tobacco Marketing Order in which all producers and handlers of tobacco in Florida are invited to participate.

**TIME PERIOD FOR REFERENDUM:** Ballots and copies of the proposed order will be mailed to all tobacco producers or handlers affected who are in the state and whose names and addresses are known on April 20, 2009. Ballots and copies of the proposed order may be obtained from county extension offices in Alachua, Columbia, Gilchrist, Hamilton, Lafayette, and Suwannee counties by producers or handlers not receiving them by mail, or by calling: Marshall Wiseheart at (850)488-4366.

The date by which ballots must be returned to the Department is Monday, May 11, 2009.

**GENERAL INFORMATION ABOUT THE REFERENDUM:** The Department received application from over 10 percent of the affected producers via the Tobacco Production Research Advisory Council who stated they have reason to believe that an increase in the rate of assessment under the marketing order will tend to effectuate the declared policy of Sections 573.101-.124, Florida Statutes.

On February 16, 2009, the Department held a public hearing concerning the potential amendment of the Tobacco Marketing Order. The Department finds that the proposed amended order will tend to accomplish the objectives and purposes of Sections 573.101-.124, Florida Statutes.

The proposed amended marketing order raises the assessment from 25 cents to one dollar per hundred pounds of tobacco sold, but not to exceed 50 cents per hundred pounds of tobacco sold during the 2009 state fiscal year.

If you have any questions, please call: Marshall Wiseheart at (850)488-4366.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this referendum is asked to advise the Department by contacting: Marshall Wiseheart at

(850)488-4366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TTY) or 1(800)955-8770 (Voice).

**DEPARTMENT OF COMMUNITY AFFAIRS**

Notice of Funding Availability FEMA-1806-DR-FL  
Program Summary

The Florida Division of Emergency Management is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (FEMA-1806-DR-FL). HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is offered to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division is soliciting applications and encourages all eligible applicants to identify and submit applications that address eligible mitigation activities. The amount of funding available to the state is based on 20% of the total federal disaster assistance for these events. The application period will close June 29, 2009. Therefore, all applications must be postmarked by June 29, 2009. The Division encourages and welcomes the submittal of complete applications at anytime during this cycle.

Application Timeline

Applications are currently being accepted. The deadline for the submission of applications is June 29, 2009 (postmarked). Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice. Please provide four completed copies of the State of Florida Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Application and all appropriate attachments. The Joint application and all other pertinent forms may be obtained at the Divisions website located at: <http://www.floridadisaster.org/Mitigation/Hazard/forms.htm>.

Alternatively, you may contact the Division directly at (850)922-4182. In order to be considered, completed applications must be sent to the following address:

ATTN: Kathleen Marshall  
Hazard Mitigation Grant Program  
Florida Division of Emergency Management  
Mitigation Section  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Minimum Program Eligibility

Eligible Applicants: According to the C.F.R. 44 §206.434(a) applicants eligible to apply for Hazard Mitigation Grant Program funds include: State and local governments who have an approved Local Mitigation Plan (LMS) in accordance with 44 CFR 201.6, prior to receipt of HMGP subgrant funding for projects; private non-profit organizations or institutions that own or operate a private non-profit facility as defined in

§206.221(e); and a qualified conservation organization as defined at 44 CFR §80.3(h); Indian tribes or authorized tribal organizations.

Eligible Activities: Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed, are not eligible for funding. Eligible projects include, but are not limited to the following:

- a. Acquisition or relocation of hazard prone structures;
- b. Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- c. Elevation of flood prone structures;
- d. Infrastructure protection measures;
- e. Stormwater management improvements;
- f. Minor structure flood control projects; and
- g. Retrofitting of existing buildings and facilities for shelters.

See Attachment C for FEMA Memorandum-Clarification of requirements for HMGP wind retrofit projects.

The state will not consider funding requests for:

- Generators-unless they are an integral part of a larger eligible project (see Attachment A).
- Construction of new facilities – however, the cost associated with above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.
- Projects already in progress. (Construction may not begin until the project has met requirements of the National Environmental Policy Act. In addition the contract between the State and subgrantee must be executed.)

Eligibility Criteria: All projects submitted must meet the following minimum criteria to be considered for funding:

- (a) Conform to the Florida Hazard Mitigation Plan and the respective community’s Local Mitigation Strategy (LMS);
- (b) Conform to the funding priorities for the disaster as established in the respective community’s LMS governing the project;
- (c) Demonstrate cost-effectiveness;
- (d) Is technically feasible;
- (e) Provide a beneficial impact upon the designated disaster area;
- (f) Conform to all applicable environmental laws and regulations and Executive Orders;
- (g) Solve a problem independently or constitutes a functional part of a solution;
- (h) Is in an National Flood Insurance Program (NFIP) participating community that is not on probation or have been suspended from the NFIP; and
- (i) Meet all applicable State and local codes and standards.

Cost-Share Requirements

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 CFR §13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor.

Applicants will also be able to use the Global Match concept as part of the 25% non-federal share match. Which means if the Match project is approved you will be eligible to receive up to 100% federal share. Global Match is when non-federal contributions are derived from one single non-federally funded project or several non-federally funded projects that are “pooled” together to match one or more federally funded projects to attain the required 25% or greater program share for a HMGP grant. In other words, Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to similar type project(s). These similar non-federally funded projects must meet all of the eligibility requirements as specified by the federal funding source for which it is matching.

#### Pre-Award Costs

Prior to receiving a grant award, Pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting and other “soft” costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing. Guidelines for pre-award costs are included, see Attachment B.

#### County Fund Allocation

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA) and Small Business Administration (SBA) programs as of February 2009. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in Attachment D and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a FEMA approved Disaster Mitigation Act of 2000 compliant Local Mitigation Strategy (LMS). Project applications will be considered only if:

(1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and

(2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in Attachment E.

DEM will attempt to fund each submitted project in priority order until the county’s allocation has been exhausted. In accordance with Rule 9G-22.006, F.A.C., the Division uses the following tiered allocation system up until the State application deadline with FEMA:

**Tier 1** The available HMGP funds are allocated to counties included in the relevant presidential disaster declaration in proportion to each county’s share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA) and Small Business.

Administration (SBA) Disaster Loan Program as of the date of receipt of the FEMA funding notice described above. Eligible projects submitted by each county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds (through the 12-Month Lock-in) are exhausted or all eligible projects are funded.

**Tier 2** Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment E.

**Tier 3** In the event funds remain after the Tier 1 and Tier 2 process, any remaining funds will be offered on a statewide basis as described in Attachment E.

Please see Attachment E for a detailed explanation of funding tiers.

#### Funding Availability and Notification

FEMA notifies the State of HMGP funding availability at several milestones:

##### 1. Initial Estimate

This represents an early estimate only, is not an actual commitment of funding by FEMA. It may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

##### 2. 180 Days from the Date of Declaration

This represents the State’s Lock-in Amount. It is the minimum the State can expect to receive from FEMA. County allocations listed in Attachment D are based on this estimate. After this disclosure, HMGP funds to the State cannot be decreased.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA’s reexamination of the disaster figures at the given time intervals. A county’s funding allocation can increase or decrease after it has submitted an application.

Technical Assistance

The Division of Emergency Management (DEM) is in the process of scheduling HMGP application development workshops. Please check the DEM website for date, time, location and a short overview of the workshops which will be posted on the DEM website: <http://www.floridadisaster.org/Mitigation/Hazard> as they are scheduled. DEM will provide technical assistance throughout the application process; this includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- (850)922-5944 (Program Eligibility)
- (850)922-5779 (Environmental)
- (850)922-0602 (Engineering and Technical Feasibility)

To assist you in submitting qualified project applications, the following attachments are located on the DEM website <http://www.floridadisaster.org/Mitigation/Hazard> including the Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application:

- Attachment A: HMGP Policy on Generators and related Equipment
- Attachment B: HMGP Program Policy on Pre-award Cost and Form
- Attachment C: FEMA Memorandum-Clarification of Requirements for HMGP Wind Retrofit Projects
- Attachment D: Initial Estimate of Available HMGP Funding
- Attachment E: Sample Project Submission Letter and Explanation of Tier Funding

DCA09-OR-071

In Re: A LAND DEVELOPMENT  
REGULATION ADOPTED  
BY ISLAMORADA, VILLAGE  
OF ISLANDS  
ORDINANCE NO. 09-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2008), 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 January 28, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-01 ("Ord. No. 09-01") adopted by the Village on January 22, 2009.
3. Ord. No. 09-01 amends Chapter 30 Land Development Regulations, Article II, Rules of Conservation and Definitions, Section 30-32 Specific Definitions; Article IV Divisions 2, 10 and 11, Development Review, Platting and Building Permit Allocation System; Article V, Schedule of District Use and Development Standards, Divisions 2, 3 and 7, Zoning Districts, Nonconformities and Off-Street Parking, Loading and Driveway Standards; Article VI, Specific Use Restrictions, Division 8, Outdoor Storage and Display; Article VII, Environmental Regulations, Division 2 Docks and Shoreline Uses; and Chapter 50, Streets, Sidewalks, and other Public Places to create Article IV, Abandonment of Rights-of-Way and Easements of the Village Code of Ordinances; and establishing Chapter 30, Article IV Administrative Procedures, Division 17 Working Waterfronts of the Village Code of Ordinances.
4. The purpose of Ord. No. 09-01 is to amend the Village Land Development Regulations to include strategies to encourage the preservation of recreational and commercial working waterfronts and public access.

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), Florida Statutes, and § 380.0552(9), Florida Statutes (2008).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2008), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 09-01 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), Florida Statutes (2008). 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. 09-01 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.
  - (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.
  - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
10. Ord. 09-01 is not inconsistent with the remaining Principles. Ord. 09-01 is consistent with the Principles for Guiding Development as a whole.
  11. Ord. 09-01 is consistent with the Village Comprehensive Plan Objective 1-4.9: Preserve Working Waterfronts; Policy 1-4.9.1: Provide Regulatory Incentives; Policy 1-4.9.2: Implement Working Waterfronts Land Development Regulations; Policy 1-4.9.4: Ensure Public Access to the Waterfront; Objective 1-2.4: Recognize Mixed Use Development Patterns; and Policy 1-3.1.1: Establish a Building Permit Allocation System.

WHEREFORE, IT IS ORDERED that Ord. 09-01 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.

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.

/s/\_\_\_\_\_

CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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 23rd day of March, 2009.

/s/\_\_\_\_\_

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Cathi Hill, 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.  
James White, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
2525 Ponce De Leon Blvd., Suite 700  
Coral Gables, Florida 33134-6045

By Hand Delivery or Interagency Mail:  
Rebecca Jetton, ACSC Administrator  
Richard E. Shine, Assistant General Counsel

DEPARTMENT OF LAW ENFORCEMENT

Notice of Application

for Federal Funds and Funding Availability

The State of Florida, Department of Law Enforcement (FDLE), Office of Criminal Justice Grants will be submitting an application to the United States Department of Justice, Bureau of Justice Assistance, for \$81,537,096 in Justice Assistance Grant (JAG) Funds made available under the American Recovery and Reinvestment Act of 2009.

A copy of the application will be available for review and comment by the public at: FDLE, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308. Interested parties should contact the Office of Criminal Justice Grants at (850)617-1250 to obtain a copy of the application for review.

If the Bureau of Justice Assistance approves this application, units of local government will be eligible to receive subgrants from the Department of Law Enforcement. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Chapter 11D-9, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

FDLE is not yet accepting applications for this program. FDLE will mail a notice of funding availability to eligible units of local government. The notice will state the amount of funds available and will include information about the application process.

Questions regarding FDLE's application and the funding process should be directed to: Clayton Wilder, Administrator, Office of Criminal Justice Grants, FDLE at (850)617-1250.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, intends to allow the establishment of Charles A. McLean d/b/a Beach Classic Scooters, as a dealership for the sale of motorcycles

manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after March 23, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles A. McLean d/b/a Beach Classic Scooters are dealer operator(s): Charles Alan McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931; principal investor(s): Charles Alan McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwannee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, L.P., intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after March 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lance Powersports, Inc., intends to allow the establishment of Fast Trixx Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2386 Allen Road, Tallahassee (Leon County), Florida 32312, on or after March 31, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trixx Powersports, Inc. are dealer operator(s): Daniel Maddox, 2386 Allen Road, Tallahassee, Florida 32312; principal investor(s): Daniel Maddox, 2386 Allen Road, 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, 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: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 9050 A Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after March 24, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC are dealer operator(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541; principal investor(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., South Central Region, intends to allow the establishment of BCSS, Ltd. d/b/a Lou Bachrodt Subaru, as a dealership for the sale of Subaru vehicles (SUBA) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073, on or after April 28, 2009.

The name and address of the dealer operator(s) and principal investor(s) of BCSS, Ltd. d/b/a Lou Bachrodt Subaru are dealer operator(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073; principal investor(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073 and Patrick M. Bachrodt, 5500 North State Road 7, Coconut Creek, Florida 33073.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30168.



If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Triumph Motorcycles (America), Ltd., intends to allow the establishment of Motorcycles of Miami, Inc., as a dealership for the sale of Triumph motorcycles (TRUM) at 7501 Northwest 36th Street, Miami (Dade County), Florida 33166, on or after April 19, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles of Miami, Inc. are dealer operator(s): Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178; principal investor(s): Francisco Garcia, 3039 Ellice Way, Naples, Florida 34114 and Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Lashley, Triumph Motorcycles (America), Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newman, Georgia 30265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 10100 San Jose Boulevard, Jacksonville (Duval County), Florida 32257, on or after March 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Keeway America, LLC, intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 11610 Seminole Boulevard, Largo (Pinellas County), Florida 33778, on or after February 18, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Tropical Scooters, LLC are dealer operator(s): Mark W. Stanley, 10113 115th Avenue, North, Largo, Florida 33773; principal investor(s): Mark W. Stanley, 10113 115th Avenue, North, Largo, Florida 33773.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Xtreme Rides, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 30216 Highway 27 South, Haines City (Polk County), Florida 33844, on or after March 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Xtreme Rides, Inc. are dealer operator(s): Joudeh I. Mohammad, 30216 Highway 27 South, Haines City, Florida 33844; principal investor(s): Joudeh I. Mohammad, 30216 Highway 27 South, 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, 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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-.602, Florida Statutes (F.S.) and 408.031-.045, F.S. Fixed need pool projections are for hospice programs planned for **July 2010**, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 20, 2009.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. 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 period waives a 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 an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a 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: Agency Clerk, 2727 Mahan Drive, Fort Knox 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.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	0
Subdistrict 6B	0	Total	0

NOTICE OF PEDIATRIC CARDIAC

CATHETERIZATION PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for July 2011, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, 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., April 20, 2009.

Any person who identifies an 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 an 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: Agency for Health Care Administration and must be filed with: Agency Clerk, 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.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC OPEN HEART SURGERY FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric open heart surgery programs for July 2011, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 20, 2009.

Any person who identifies an 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 an 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: Agency Clerk, 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.

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY  
FISCAL YEAR 2009 INTENDED USE PLAN – FOR USE  
OF CLEAN WATER ACT AND AMERICAN RECOVERY  
AND REINVESTMENT ACT APPROPRIATIONS**

The Department of Environmental Protection provides Notice of Availability of the Fiscal Year 2009 Clean Water Act and the American Recovery and Reinvestment Act of 2009 appropriations Intended Use Plan.

**PURPOSE:** To present the Department's recommendations and receive public comment on the intended use of the Fiscal Year (FY) 2009 Federal Clean Water Act (CWA) appropriation and State matching funds and the use of the American Recovery and Reinvestment Act of 2009 (ARRA) appropriation. CWA Funds may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects under State Revolving Fund Rule, Chapter 62-503, F.A.C. ARRA funds may be allocated to wastewater, stormwater, or non-point source projects for construction only and will be administered under Chapters 62-503 and 62-505, F.A.C. Intended Use Plan topics include project eligibility, project prioritization, types of assistance available, source and use of funds, and the proposed priority list of projects. Emphasis is placed on the particular requirements of the recently enacted ARRA appropriation.

A copy of the proposed FY 2009 Intended Use Plan may be obtained on the Bureau of Water Facilities Funding website: <http://www.dep.state.fl.us/water/wff/cwsrf/>.

**NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE**

The Department of Environmental Protection has determined that the proposed North Lauderdale rehabilitation of wastewater facilities project will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$1,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
Miami Dade County

The Florida Department of Environmental Protection has determined that the Miami Dade County's project to replace a 12-inch transmission line with a 20-inch line at the Rickenbacker Causeway Intracoastal Waterway Bridge between Hobie Island and Virginia Key in Miami-Dade County will not adversely affect the environment. The total cost of the project is estimated to be \$2,287,835. The project may qualify for a Drinking Water State Revolving Fund loan composed of funds from the American Recovery and Reinvestment Act of 2009.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Isaac Santos, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-7546.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF JUVENILE JUSTICE**

Revised Policy Posted for Review and Comment

The Florida Department of Juvenile Justice has posted a revised policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html). Compliance with the Florida Single Audit Act – (FDJJ 1810) is established to implement the provisions of Section 215.97, F.S. (Florida Single Audit Act) by the Department of Juvenile Justice; to ensure the Department promotes sound financial management of state financial assistance expenditures; and to ensure the Department monitors, uses, and follow up on audits related to state financial assistance provided to non-state entities. The policy is posted for a single 20 working day review and comment period, with the closure date for

submission of comments on the policy of April 30, 2009. Responses to comments received will be posted on the above Website.

**DEPARTMENT OF HEALTH**

On March 17, 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 Lee Allen Geis, R.N. license number RN 5153338. 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 March 17, 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 Kerri Ann Schneider, R.N. license number RN 9271027. 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 March 19, 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 Karen Lee Interrant, R.R.T. license number RT 6591. 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.

**BROWARD COUNTY MEDICAL EXAMINERS AND TRAUMA SERVICES**

Notice of Destruction of Toxicology Specimens

The Toxicology Laboratory of the Broward County Medical Examiner's Office announces the destruction of toxicology specimens collected prior to 2007 from autopsies as part of death investigation cases and specimens obtained prior to 2004 from law enforcement agencies as part of driving under the influence (DUI) cases and drug facilitated sexual assault cases. The destruction of these specimens shall begin on or about June 8, 2009.

If you require any specimens be retained for retesting or possible evidentiary purposes, please send a written request for preservation citing:

1. Name of the individual or agency responsible for initiating the request;
2. Date the request is initiated;
3. Name of the decedent, defendant or victim;

4. Approximate date of specimen collection;
5. Medical examiner laboratory case number (if known);
6. Reason for extending the retention period; and,
7. Terms of the specimen preservation, including the length of additional time the requested specimen is to be held.

All written requests must be received by June 1, 2009. If necessary, hearings will be arranged to explore these matters.

Send written requests to:

Toxicology Laboratory  
District 17 Medical Examiner and Trauma Services  
5301 S.W. 31st Avenue  
Ft. Lauderdale, FL 33312

Or Fax written requests to: (954)327-6582.

If you have any questions, please call Toxicology at (954)327-6525.

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Tower-OHL Group is requesting Sealed Bids from Pre-Qualified Trade Contractors for all applicable trades for construction on the above referenced project until 2:00 p.m., Tuesday May 5, 2009.

Project Scope: RTI, Phase 4 primarily includes construction of the following: 2-story, 20,500sf Billeting Bldg. East Wing; 3-story, 41,500sf Billeting Bldg. West Wing, 6,800sf Dining Facility Expansion, 1,200sf Pre-Engineered Weapons Cleaning Canopy, 7,000sf Pre-Engineered Covered Dining Patio, interconnecting Covered Walkways for all of RTI, Landscaping and Irrigation for all of RTI, two new Chillers, Combative Pit, 1/2 mile Running Track, Emergency Access Road, Milling and Re-Surfacing of Apalachicola and Panama City Roads, Expansion to Parking Lots, Stairway Finish Upgrades at the Phase 2 Billeting Bldg., and Floor Finish Upgrades at the existing RTI Administration Building. Design and construction materials will be consistent with the earlier phased construction of the RTI Complex.

Pre-Qualification: Only bidders that meet pre-qualification criteria will be allowed to bid. Pre-Qualification Packages are available at: Jacksonville office, 11315 Business Park Blvd., Jacksonville, FL, starting April 3, 2009. As part of the pre-qualification an executed original of the Tower-OHL Master Subcontract Agreement must accompany the submission of the fully completed and signed pre-qualification forms. Pre-qualification packages are due to Tower-OHL by 2:00 p.m., Friday, April 10, 2009, to be considered for evaluation. Tower-OHL will review all properly received Pre-Qualification Packages for eligibility to bid. Evaluation of the Pre-Qualification Packages and response by fax to all that submitted Pre-Qualification Packages will be by Thursday, April 16, 2009. Bid packages for the project will be available in our office starting Friday, April 17, 2009, for those that have pre qualified.

Minority Program: Minority Business Enterprises (MBE) are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the office of Supplier diversity.

Bonding Requirements: 100% labor and performance bonds may be required from successful bidders. The cost of the material and performance bond shall be listed in the space on the proposal form as a net add to the base bid.

Bid Packages: Bid Packages will be available and may be picked up at the office of Tower-OHL/Jacksonville starting Friday, April 17, 2009.

Bid Submittal: Sealed bids will be received on Tuesday, May 5, 2009.

Questions: Questions concerning bidding and project scope are to be sent by Fax to: Tower-OHL, Fax: (904)292-4865, Attention: Questions received after Friday, April 24, 2009 will not be accepted. All questions that have been submitted will be answered in an addendum on April 28, 2009.

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## Section XII Miscellaneous

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Tobacco Marketing Order

The Department of Agriculture and Consumer Services announces a referendum on the proposed Amended Tobacco Marketing Order in which all producers and handlers of tobacco in Florida are invited to participate.

**TIME PERIOD FOR REFERENDUM:** Ballots and copies of the proposed order will be mailed to all tobacco producers or handlers affected who are in the state and whose names and addresses are known on April 20, 2009. Ballots and copies of the proposed order may be obtained from county extension offices in Alachua, Columbia, Gilchrist, Hamilton, Lafayette, and Suwannee counties by producers or handlers not receiving them by mail, or by calling: Marshall Wiseheart at (850)488-4366.

The date by which ballots must be returned to the Department is Monday, May 11, 2009.

**GENERAL INFORMATION ABOUT THE REFERENDUM:** The Department received application from over 10 percent of the affected producers via the Tobacco Production Research Advisory Council who stated they have reason to believe that an increase in the rate of assessment under the marketing order will tend to effectuate the declared policy of Sections 573.101-.124, Florida Statutes.

On February 16, 2009, the Department held a public hearing concerning the potential amendment of the Tobacco Marketing Order. The Department finds that the proposed amended order will tend to accomplish the objectives and purposes of Sections 573.101-.124, Florida Statutes.

The proposed amended marketing order raises the assessment from 25 cents to one dollar per hundred pounds of tobacco sold, but not to exceed 50 cents per hundred pounds of tobacco sold during the 2009 state fiscal year.

If you have any questions, please call: Marshall Wiseheart at (850)488-4366.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this referendum is asked to advise the Department by contacting: Marshall Wiseheart at

(850)488-4366. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TTY) or 1(800)955-8770 (Voice).

## DEPARTMENT OF COMMUNITY AFFAIRS

### Notice of Funding Availability FEMA-1806-DR-FL Program Summary

The Florida Division of Emergency Management is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (FEMA-1806-DR-FL). HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is offered to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division is soliciting applications and encourages all eligible applicants to identify and submit applications that address eligible mitigation activities. The amount of funding available to the state is based on 20% of the total federal disaster assistance for these events. The application period will close June 29, 2009. Therefore, all applications must be postmarked by June 29, 2009. The Division encourages and welcomes the submittal of complete applications at anytime during this cycle.

#### Application Timeline

Applications are currently being accepted. The deadline for the submission of applications is June 29, 2009 (postmarked). Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice. Please provide four completed copies of the State of Florida Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Application and all appropriate attachments. The Joint application and all other pertinent forms may be obtained at the Divisions website located at: <http://www.floridadisaster.org/Mitigation/Hazard/forms.htm>.

Alternatively, you may contact the Division directly at (850)922-4182. In order to be considered, completed applications must be sent to the following address:

ATTN: Kathleen Marshall  
Hazard Mitigation Grant Program  
Florida Division of Emergency Management  
Mitigation Section  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

#### Minimum Program Eligibility

**Eligible Applicants:** According to the C.F.R. 44 §206.434(a) applicants eligible to apply for Hazard Mitigation Grant Program funds include: State and local governments who have an approved Local Mitigation Plan (LMS) in accordance with 44 CFR 201.6, prior to receipt of HMGP subgrant funding for projects; private non-profit organizations or institutions that own or operate a private non-profit facility as defined in

§206.221(e); and a qualified conservation organization as defined at 44 CFR §80.3(h); Indian tribes or authorized tribal organizations.

**Eligible Activities:** Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed, are not eligible for funding. Eligible projects include, but are not limited to the following:

- Acquisition or relocation of hazard prone structures;
- Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- Elevation of flood prone structures;
- Infrastructure protection measures;
- Stormwater management improvements;
- Minor structure flood control projects; and
- Retrofitting of existing buildings and facilities for shelters.

See Attachment C for FEMA Memorandum-Clarification of requirements for HMGP wind retrofit projects.

The state will not consider funding requests for:

- Generators-unless they are an integral part of a larger eligible project (see Attachment A).
- Construction of new facilities – however, the cost associated with above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.
- Projects already in progress. (Construction may not begin until the project has met requirements of the National Environmental Policy Act. In addition the contract between the State and subgrantee must be executed.)

**Eligibility Criteria:** All projects submitted must meet the following minimum criteria to be considered for funding:

- Conform to the Florida Hazard Mitigation Plan and the respective community's Local Mitigation Strategy (LMS);
- Conform to the funding priorities for the disaster as established in the respective community's LMS governing the project;
- Demonstrate cost-effectiveness;
- Is technically feasible;
- Provide a beneficial impact upon the designated disaster area;
- Conform to all applicable environmental laws and regulations and Executive Orders;
- Solve a problem independently or constitutes a functional part of a solution;
- Is in an National Flood Insurance Program (NFIP) participating community that is not on probation or have been suspended from the NFIP; and
- Meet all applicable State and local codes and standards.

#### Cost-Share Requirements



Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 CFR §13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor.

Applicants will also be able to use the Global Match concept as part of the 25% non-federal share match. Which means if the Match project is approved you will be eligible to receive up to 100% federal share. Global Match is when non-federal contributions are derived from one single non-federally funded project or several non-federally funded projects that are “pooled” together to match one or more federally funded projects to attain the required 25% or greater program share for a HMGP grant. In other words, Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to similar type project(s). These similar non-federally funded projects must meet all of the eligibility requirements as specified by the federal funding source for which it is matching.

#### Pre-Award Costs

Prior to receiving a grant award, Pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting and other “soft” costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing. Guidelines for pre-award costs are included, see Attachment B.

#### County Fund Allocation

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA) and Small Business Administration (SBA) programs as of February 2009. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in Attachment D and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a FEMA approved Disaster Mitigation Act of 2000 compliant Local Mitigation Strategy (LMS). Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and

- (2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in Attachment E.

DEM will attempt to fund each submitted project in priority order until the county’s allocation has been exhausted. In accordance with Rule 9G-22.006, F.A.C., the Division uses the following tiered allocation system up until the State application deadline with FEMA:

**Tier 1** The available HMGP funds are allocated to counties included in the relevant presidential disaster declaration in proportion to each county’s share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA) and Small Business.

Administration (SBA) Disaster Loan Program as of the date of receipt of the FEMA funding notice described above. Eligible projects submitted by each county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds (through the 12-Month Lock-in) are exhausted or all eligible projects are funded.

**Tier 2** Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment E.

**Tier 3** In the event funds remain after the Tier 1 and Tier 2 process, any remaining funds will be offered on a statewide basis as described in Attachment E.

Please see Attachment E for a detailed explanation of funding tiers.

#### Funding Availability and Notification

FEMA notifies the State of HMGP funding availability at several milestones:

##### 1. Initial Estimate

This represents an early estimate only, is not an actual commitment of funding by FEMA. It may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

##### 2. 180 Days from the Date of Declaration

This represents the State’s Lock-in Amount. It is the minimum the State can expect to receive from FEMA. County allocations listed in Attachment D are based on this estimate. After this disclosure, HMGP funds to the State cannot be decreased.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA’s reexamination of the disaster figures at the given time intervals. A county’s funding allocation can increase or decrease after it has submitted an application.

Technical Assistance

The Division of Emergency Management (DEM) is in the process of scheduling HMGP application development workshops. Please check the DEM website for date, time, location and a short overview of the workshops which will be posted on the DEM website: <http://www.floridadisaster.org/Mitigation/Hazard> as they are scheduled. DEM will provide technical assistance throughout the application process; this includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- (850)922-5944 (Program Eligibility)
- (850)922-5779 (Environmental)
- (850)922-0602 (Engineering and Technical Feasibility)

To assist you in submitting qualified project applications, the following attachments are located on the DEM website <http://www.floridadisaster.org/Mitigation/Hazard> including the Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application:

- Attachment A: HMGP Policy on Generators and related Equipment
- Attachment B: HMGP Program Policy on Pre-award Cost and Form
- Attachment C: FEMA Memorandum-Clarification of Requirements for HMGP Wind Retrofit Projects
- Attachment D: Initial Estimate of Available HMGP Funding
- Attachment E: Sample Project Submission Letter and Explanation of Tier Funding

DCA09-OR-071

In Re: A LAND DEVELOPMENT  
REGULATION ADOPTED  
BY ISLAMORADA, VILLAGE  
OF ISLANDS  
ORDINANCE NO. 09-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Florida Statutes, and § 380.0552(9), Florida Statutes (2008), 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 January 28, 2009, the Department received for review Islamorada, Village of Islands Ordinance No. 09-01 ("Ord. No. 09-01") adopted by the Village on January 22, 2009.
3. Ord. No. 09-01 amends Chapter 30 Land Development Regulations, Article II, Rules of Conservation and Definitions, Section 30-32 Specific Definitions; Article IV Divisions 2, 10 and 11, Development Review, Platting and Building Permit Allocation System; Article V, Schedule of District Use and Development Standards, Divisions 2, 3 and 7, Zoning Districts, Nonconformities and Off-Street Parking, Loading and Driveway Standards; Article VI, Specific Use Restrictions, Division 8, Outdoor Storage and Display; Article VII, Environmental Regulations, Division 2 Docks and Shoreline Uses; and Chapter 50, Streets, Sidewalks, and other Public Places to create Article IV, Abandonment of Rights-of-Way and Easements of the Village Code of Ordinances; and establishing Chapter 30, Article IV Administrative Procedures, Division 17 Working Waterfronts of the Village Code of Ordinances.
4. The purpose of Ord. No. 09-01 is to amend the Village Land Development Regulations to include strategies to encourage the preservation of recreational and commercial working waterfronts and public access.

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), Florida Statutes, and § 380.0552(9), Florida Statutes (2008).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Florida Statutes (2008), and Rule 28-29.002 (superseding Chapter 27F-8), Florida Administrative Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Florida Statutes (2008). The regulations adopted by Ord. 09-01 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), Florida Statutes (2008). 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. 09-01 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.
  - (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.
  - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.
10. Ord. 09-01 is not inconsistent with the remaining Principles. Ord. 09-01 is consistent with the Principles for Guiding Development as a whole.
  11. Ord. 09-01 is consistent with the Village Comprehensive Plan Objective 1-4.9: Preserve Working Waterfronts; Policy 1-4.9.1: Provide Regulatory Incentives; Policy 1-4.9.2: Implement Working Waterfronts Land Development Regulations; Policy 1-4.9.4: Ensure Public Access to the Waterfront; Objective 1-2.4: Recognize Mixed Use Development Patterns; and Policy 1-3.1.1: Establish a Building Permit Allocation System.

WHEREFORE, IT IS ORDERED that Ord. 09-01 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.

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.

/s/ \_\_\_\_\_

CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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 23rd day of March, 2009.

/s/ \_\_\_\_\_

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Cathi Hill, 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.  
James White, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
2525 Ponce De Leon Blvd., Suite 700  
Coral Gables, Florida 33134-6045

By Hand Delivery or Interagency Mail:  
Rebecca Jetton, ACSC Administrator  
Richard E. Shine, Assistant General Counsel

DEPARTMENT OF LAW ENFORCEMENT

Notice of Application

for Federal Funds and Funding Availability

The State of Florida, Department of Law Enforcement (FDLE), Office of Criminal Justice Grants will be submitting an application to the United States Department of Justice, Bureau of Justice Assistance, for \$81,537,096 in Justice Assistance Grant (JAG) Funds made available under the American Recovery and Reinvestment Act of 2009.

A copy of the application will be available for review and comment by the public at: FDLE, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308. Interested parties should contact the Office of Criminal Justice Grants at (850)617-1250 to obtain a copy of the application for review.

If the Bureau of Justice Assistance approves this application, units of local government will be eligible to receive subgrants from the Department of Law Enforcement. "Units of local government" means any city, county, town, township, borough, parish, village, or other general-purpose political subdivision of a State and includes Native American Tribes that perform law enforcement functions as determined by the Secretary of the Interior.

Chapter 11D-9, Florida Administrative Code, governs program administration and funding. Local governments should thoroughly review rule provisions before applying for subgrant funds.

FDLE is not yet accepting applications for this program. FDLE will mail a notice of funding availability to eligible units of local government. The notice will state the amount of funds available and will include information about the application process.

Questions regarding FDLE's application and the funding process should be directed to: Clayton Wilder, Administrator, Office of Criminal Justice Grants, FDLE at (850)617-1250.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, intends to allow the establishment of Charles A. McLean d/b/a Beach Classic Scooters, as a dealership for the sale of motorcycles

manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 739 Scallop Drive, Suite 11, Port Canaveral (Brevard County), Florida 32920, on or after March 23, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Charles A. McLean d/b/a Beach Classic Scooters are dealer operator(s): Charles Alan McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931; principal investor(s): Charles Alan McLean, 220 Arthur Avenue, Cocoa Beach, Florida 32931.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwannee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point

##### Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that QLink, L.P., intends to allow the establishment of Evolution Motorsports, LLC, as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 2629 North Magnolia Avenue, Ocala (Marion County), Florida 34475, on or after March 20, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Evolution Motorsports, LLC are dealer operator(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475; principal investor(s): Kathy Parks, 2629 North Magnolia Avenue, Ocala, Florida 34475.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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#### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Lance Powersports, Inc., intends to allow the establishment of Fast Trixx Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (ZHNG) at 2386 Allen Road, Tallahassee (Leon County), Florida 32312, on or after March 31, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Fast Trixx Powersports, Inc. are dealer operator(s): Daniel Maddox, 2386 Allen Road, Tallahassee, Florida 32312; principal investor(s): Daniel Maddox, 2386 Allen Road, 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, 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: Gene Chang, Lance Powersports, Inc., 5200 Ontario Mills Parkway, Suite 100, Ontario, California 91764.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that X-Power Motorsports, intends to allow the establishment of Go Anywhere Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Jiangsu Linhai Power Machinery Group (LINH) at 9050 A Navarre Parkway, Navarre (Santa Rosa County), Florida 32566, on or after March 24, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Go Anywhere Scooters, LLC are dealer operator(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541; principal investor(s): Jerry W. Rogers, 6 Indian Bayou Drive, Destin, Florida 32541.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ronald Ho, President, X-Power Motorsports, 225 Horizon Drive, Suwanee, Georgia 30024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Subaru of America, Inc., South Central Region, intends to allow the establishment of BCSS, Ltd. d/b/a Lou Bachrodt Subaru, as a dealership for the sale of Subaru vehicles (SUBA) at 5500 North State Road 7, Coconut Creek (Broward County), Florida 33073, on or after April 28, 2009.

The name and address of the dealer operator(s) and principal investor(s) of BCSS, Ltd. d/b/a Lou Bachrodt Subaru are dealer operator(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073; principal investor(s): Louis C. Bachrodt, III, 5500 North State Road 7, Coconut Creek, Florida 33073 and Patrick M. Bachrodt, 5500 North State Road 7, Coconut Creek, Florida 33073.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Thamert, Subaru of America, Inc., South Central Region, 220 The Bluffs, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Triumph Motorcycles (America), Ltd., intends to allow the establishment of Motorcycles of Miami, Inc., as a dealership for the sale of Triumph motorcycles (TRUM) at 7501 Northwest 36th Street, Miami (Dade County), Florida 33166, on or after April 19, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles of Miami, Inc. are dealer operator(s): Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178; principal investor(s): Francisco Garcia, 3039 Ellice Way, Naples, Florida 34114 and Doner Garcia, 8634 Northwest 114th Court, Miami, Florida 33178.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Lashley, Triumph Motorcycles (America), Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newman, Georgia 30265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Moto Guzzi motorcycles (MOGU) at 10100 San Jose Boulevard, Jacksonville (Duval County), Florida 32257, on or after March 12, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2311 Thomas Street, Hollywood, Florida 33020.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Keeway America, LLC, intends to allow the establishment of Tropical Scooters, LLC, as a dealership for the sale of motorcycles manufactured by Zhejiang Qianjiang Motorcycle Co. Ltd. (ZHQM) at 11610 Seminole Boulevard, Largo (Pinellas County), Florida 33778, on or after February 18, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Tropical Scooters, LLC are dealer operator(s): Mark W. Stanley, 10113 115th Avenue, North, Largo, Florida 33773; principal investor(s): Mark W. Stanley, 10113 115th Avenue, North, Largo, Florida 33773.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Zhong Zhuang, President, Keeway America, LLC, 2912 Skyway Circle North, Irving, Texas 75038.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that SunL Group, Inc., intends to allow the establishment of Xtreme Rides, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Mengdeli Electric Co. Ltd. (MENG) at 30216 Highway 27 South, Haines City (Polk County), Florida 33844, on or after March 11, 2009.

The name and address of the dealer operator(s) and principal investor(s) of Xtreme Rides, Inc. are dealer operator(s): Joudeh I. Mohammad, 30216 Highway 27 South, Haines City, Florida 33844; principal investor(s): Joudeh I. Mohammad, 30216 Highway 27 South, 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, 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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF HOSPICE PROGRAM FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-.602, Florida Statutes (F.S.) and 408.031-.045, F.S. Fixed need pool projections are for hospice programs planned for **July 2010**, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220 MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 20, 2009.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. 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 period waives a 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 an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a 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: Agency Clerk, 2727 Mahan Drive, Fort Knox 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.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	0	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	0	District 11	0
Subdistrict 6B	0	Total	0

NOTICE OF PEDIATRIC CARDIAC

CATHETERIZATION PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for July 2011, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, 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., April 20, 2009.

Any person who identifies an 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 an 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: Agency for Health Care Administration and must be filed with: Agency Clerk, 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.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC OPEN HEART SURGERY FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric open heart surgery programs for July 2011, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with: Certificate of Need Program Office, Building 1, Room 220, MS 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 20, 2009.

Any person who identifies an 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 an 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: Agency Clerk, 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.

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY  
FISCAL YEAR 2009 INTENDED USE PLAN – FOR USE  
OF CLEAN WATER ACT AND AMERICAN RECOVERY  
AND REINVESTMENT ACT APPROPRIATIONS**

The Department of Environmental Protection provides Notice of Availability of the Fiscal Year 2009 Clean Water Act and the American Recovery and Reinvestment Act of 2009 appropriations Intended Use Plan.

**PURPOSE:** To present the Department’s recommendations and receive public comment on the intended use of the Fiscal Year (FY) 2009 Federal Clean Water Act (CWA) appropriation and State matching funds and the use of the American Recovery and Reinvestment Act of 2009 (ARRA) appropriation. CWA Funds may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects under State Revolving Fund Rule, Chapter 62-503, F.A.C. ARRA funds may be allocated to wastewater, stormwater, or non-point source projects for construction only and will be administered under Chapters 62-503 and 62-505, F.A.C. Intended Use Plan topics include project eligibility, project prioritization, types of assistance available, source and use of funds, and the proposed priority list of projects. Emphasis is placed on the particular requirements of the recently enacted ARRA appropriation.

A copy of the proposed FY 2009 Intended Use Plan may be obtained on the Bureau of Water Facilities Funding website: <http://www.dep.state.fl.us/water/wff/cwsrf/>.

**NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTICE**

The Department of Environmental Protection has determined that the proposed North Lauderdale rehabilitation of wastewater facilities project will not have a significant adverse affect on the environment. The potential amount of the loan is estimated at \$1,500,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bob Ballard, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or calling (850)245-8358.

NOTICE OF AVAILABILITY  
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
Miami Dade County

The Florida Department of Environmental Protection has determined that the Miami Dade County's project to replace a 12-inch transmission line with a 20-inch line at the Rickenbacker Causeway Intracoastal Waterway Bridge between Hobie Island and Virginia Key in Miami-Dade County will not adversely affect the environment. The total cost of the project is estimated to be \$2,287,835. The project may qualify for a Drinking Water State Revolving Fund loan composed of funds from the American Recovery and Reinvestment Act of 2009.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Isaac Santos, Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400, (850)245-7546.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: [http://www.dep.state.fl.us/secretary/oip/state\\_clearinghouse/](http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF JUVENILE JUSTICE**

Revised Policy Posted for Review and Comment

The Florida Department of Juvenile Justice has posted a revised policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html). Compliance with the Florida Single Audit Act – (FDJJ 1810) is established to implement the provisions of Section 215.97, F.S. (Florida Single Audit Act) by the Department of Juvenile Justice; to ensure the Department promotes sound financial management of state financial assistance expenditures; and to ensure the Department monitors, uses, and follow up on audits related to state financial assistance provided to non-state entities. The policy is posted for a single 20 working day review and comment period, with the closure date for

submission of comments on the policy of April 30, 2009. Responses to comments received will be posted on the above Website.

**DEPARTMENT OF HEALTH**

On March 17, 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 Lee Allen Geis, R.N. license number RN 5153338. 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 March 17, 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 Kerri Ann Schneider, R.N. license number RN 9271027. 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 March 19, 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 Karen Lee Interrant, R.R.T. license number RT 6591. 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.

**BROWARD COUNTY MEDICAL EXAMINERS AND TRAUMA SERVICES**

Notice of Destruction of Toxicology Specimens

The Toxicology Laboratory of the Broward County Medical Examiner's Office announces the destruction of toxicology specimens collected prior to 2007 from autopsies as part of death investigation cases and specimens obtained prior to 2004 from law enforcement agencies as part of driving under the influence (DUI) cases and drug facilitated sexual assault cases. The destruction of these specimens shall begin on or about June 8, 2009.

If you require any specimens be retained for retesting or possible evidentiary purposes, please send a written request for preservation citing:

1. Name of the individual or agency responsible for initiating the request;
2. Date the request is initiated;
3. Name of the decedent, defendant or victim;

4. Approximate date of specimen collection;
5. Medical examiner laboratory case number (if known);
6. Reason for extending the retention period; and,
7. Terms of the specimen preservation, including the length of additional time the requested specimen is to be held.

All written requests must be received by June 1, 2009. If necessary, hearings will be arranged to explore these matters. Send written requests to:

Toxicology Laboratory  
District 17 Medical Examiner and Trauma Services  
5301 S.W. 31st Avenue  
Ft. Lauderdale, FL 33312

Or Fax written requests to: (954)327-6582.

If you have any questions, please call Toxicology at (954)327-6525.

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