

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

RULE NO.: 12-24.003
RULE TITLE: Requirements to File or to Pay Taxes by Electronic Means

PURPOSE AND EFFECT: Section 443.163(1), F.S., requires any person who prepared and reported the unemployment compensation tax returns (Form UCT-6, Employer's Quarterly Reports) for 100 or more employers in any quarter during the preceding state fiscal year to file the tax returns by electronic means. The purpose of the proposed amendments to Rule 12-24.003, F.A.C. (Requirements to file or to Pay Taxes by Electronic Means), is to clarify the electronic reporting requirements for unemployment tax agents who prepare and report unemployment tax for 100 or more employers.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the clarification of the electronic reporting and remittance requirements for unemployment tax agents who prepare unemployment compensation tax quarterly reports for 100 or more employers.

RULEMAKING AUTHORITY: 202.26(3)(a), 206.485(1), 213.06(1), 213.755(8), (9), 220.21(2), (3) FS.

LAW IMPLEMENTED: 202.30, 206.485, 213.755, 220.21(2), (3), 443.1317, 443.163 FS.

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

DATE AND TIME: March 8, 2010, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT myflorida.com/dor/rules.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION Health Facility and Agency Licensing

RULE NO.: 59A-1.004
RULE TITLE: Certification Procedure

PURPOSE AND EFFECT: The agency is proposing to amend the rule that incorporates the licensure application to reference application forms being created under Section 408.806, F.S. and proposed Chapter 59A-35, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revisions to the licensure applications that are incorporated by reference will be addressed. The Agency is adopting a licensure rule under Section 408.806, F.S., and this rule will be amended to align the requirements with those proposed in Chapter 59A-35, F.A.C.

RULEMAKING AUTHORITY: 765.541(2) FS.

LAW IMPLEMENTED: 765.541, 765.542, 765.544, 873.0, 408.806 FS.

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

DATE AND TIME: March 16, 2010, 2:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dennis Hitchens Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Hitchens Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-18.001	Purpose
59A-18.002	Definitions
59A-18.004	Licensure Requirements, Procedures, and Fees
59A-18.005	Registration Policies
59A-18.006	Administrator
59A-18.007	Registered Nurse and Licensed Practical Nurse
59A-18.0081	Certified Nursing Assistant and Home Health Aide
59A-18.009	Homemakers or Companions
59A-18.010	Acceptance of Patients or Clients
59A-18.011	Medical Plan of Treatment
59A-18.012	Clinical Records
59A-18.013	Administration of Drugs and Biologicals
59A-18.015	Surveys and Inspections
59A-18.016	Penalties
59A-18.017	Supplemental Staffing for Health Care Facilities
59A-18.018	Emergency Management Plans

PURPOSE AND EFFECT: To update statutory references in the rule to conform to current statutes and remove items from rule that are now in statutes; to update administrator qualifications; and to remove the licensing application forms and background screening process rule items since they are in Chapter 59A-35, F.A.C., Health Care Licensing Procedures.

SUBJECT AREA TO BE ADDRESSED: Updating the rules to conform to current statutes; removing items in Chapter 59A-35, F.A.C., Health Care Licensing Procedures; and revising administrator qualifications

RULEMAKING AUTHORITY: 400.497, 400.506, 408, Part II FS.

LAW IMPLEMENTED: 400.497, 400.506 FS.

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

DATE AND TIME: Thursday, March 18, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Anne Menard, (850)414-6010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, HQAHOMEHEALTH@ahca.myflorida.com or (850)414-6010

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE AT THE AGENCY WEB SITE: http://ahca.myflorida.com/licensing_cert.shtml, select “nurse registry”. Text will be available at this site by March 5, 2010.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-9.500	Child Care Executive Partnership Program Eligibility and Registration

PURPOSE AND EFFECT: The purpose of the proposed rule development is to implement the authority of the Agency for Workforce Innovation to adopt rules related to the establishment of the Child Care Executive Partnership Program (CCEP Program).

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed by the proposed rules are the employer registration and family eligibility criteria and procedures for employer and employee participation in the CCEP Program within each participating early learning coalition’s county or multicounty service area.

RULEMAKING AUTHORITY: 411.0102 FS.

LAW IMPLEMENTED: 411.0102 FS.

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

DATE AND TIME: Monday, March 8, 2010, 3:00 p.m. – 4:30 p.m.

PLACE: Agency for Workforce Innovation, 107 E. Madison St., Tallahassee, Florida 32399-4128 and via WebEx for which instructions may be accessed at http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Audrey Gatén at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ONLINE AT THE WEBSITE: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-4.023 Food Protection Manager
 Certification and Public Food
 Service Employee Training

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to specify acceptable methods of conducting employee training.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses formats through which employee training may be conducted.

RULEMAKING AUTHORITY: 509.032, 509.039, 509.049 FS.

LAW IMPLEMENTED: 509.039, 509.049 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-6.009 Veterinarians

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the procedures for euthanizing greyhounds.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment establishes procedures for euthanizing greyhounds.

RULEMAKING AUTHORITY: 120.80(4)(a), 550.155(1), 550.0251(3), (11), 550.2415(6)(b), (12) FS.

LAW IMPLEMENTED: 550.0251, 550.2415 FS.

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

DATE AND TIME: March 17, 2010, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-22.011 Board Approval of Continuing
 Education Providers

PURPOSE AND EFFECT: To delete outdated language.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to delete outdated language.

RULEMAKING AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.01 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.011 Board Approval of Continuing Education Providers

(1) through (8) No change.

(9) The following providers shall be approved as providers ~~until May 31, 2009~~, and the Board shall accept their courses for continuing education credit:

(a) through (c) No change.

Rulemaking Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06, 1-29-07, 6-3-07, 8-10-09,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:

64B-9.001 Biennial Licensing

PURPOSE AND EFFECT: To incorporate by reference within this rule the forms to be used for renewing the licenses of non-profiled professions, profiled professions, and facilities.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing.

RULEMAKING AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO. RULE TITLE:

64B8-8.0011 Standard Terms Applicable to Orders

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address standard terms which are applicable to the Board's Orders.

SUBJECT AREA TO BE ADDRESSED: Review and revision of standard terms applicable to Board Orders.

RULEMAKING AUTHORITY: 458.309(1), 458.331(5) FS.

LAW IMPLEMENTED: 458.331(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-9.0092 Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to add the Institute of Medical Quality (IMQ) to the Board's rule as an accrediting organization for office surgery.

SUBJECT AREA TO BE ADDRESSED: The addition of the IMQ as an accrediting organization for office surgery.

RULEMAKING AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

(7) Board approved accrediting organizations include the Institute of Medical Quality (IMQ), approved February 6, 2010. IMQ is approved, effective July 15, 2010, through July 14, 2011.

(7) through (9) renumbered (8) through (10) No change.

Rulemaking Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02, 12-28-04, 1-30-07,_____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-15.001 RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the rule

SUBJECT AREA TO BE ADDRESSED: Continuing education for licensure renewal

RULEMAKING AUTHORITY: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.004 RULE TITLE: Application Fee for Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the licensure by endorsement application fee.

SUBJECT AREA TO BE ADDRESSED: Application for licensure by endorsement fee.

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.006(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.0041 RULE TITLE: Initial Fee for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the fee for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Initial fee for licensure.

RULEMAKING AUTHORITY: 456.013(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: 64E-12.004 RULE TITLES: Food Service: Tiers and Catering
64E-12.005 Housing

PURPOSE AND EFFECT: The Department proposes rule amendments to update technical and food safety requirements, and to clarify existing rule standards. The effect of these changes will be to update the department's rules to reflect more recent standards that provide greater protection for the public against illness, injury and disease, and to provide greater clarity to existing rule language.

SUBJECT AREA TO BE ADDRESSED: Proposed changes will clarify existing rules update food safety, lighting and other physical plant requirements.

RULEMAKING AUTHORITY: 381.006(16) FS.

LAW IMPLEMENTED: 381.006(6), (16) FS.

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

DATE AND TIME: March 8, 2010, 1:00 p.m.

PLACE: Orange County Extension Education Center, 6021 South Conway Road, Auditorium Room, Orlando, FL 32812

DATE AND TIME: March 11, 2010, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-13.001	General
64E-13.004	Standards

PURPOSE AND EFFECT: The Department proposes rule amendments to incorporate recent technical and scientific advancements and to clarify existing rule standards. The effect of these changes will be to update department rules based on guidance from the Environmental Protection Agency, the University of Florida, and other scientifically related resource guidelines, and to provide greater clarity to existing rule language.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are general school sanitation requirements, definitions, sanitary facilities, vector and pest control, animal health and safety, and dormitory and residential school facilities.

RULEMAKING AUTHORITY: 381.006 (16) FS.

LAW IMPLEMENTED: 381.006(6), (16) FS.

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

DATE AND TIME: March 5, 2010, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL

DATE AND TIME: March 8, 2010, 8:30 a.m.

PLACE: Orange County Extension Education Center, 6021 S. Conway Rd., Auditorium Room, Orlando, FL 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robin Eychaner, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-220.001	Pre-Qualification and Licensure of Emergency Adjusters
69B-220.051	Conduct of Public Adjusters
69B-220.201	Ethical Requirements

PURPOSE AND EFFECT: Section 626.878, F.S., requires adjusters to subscribe to the code of ethics specified in the rules of the Department. Such rules shall implement the provisions of Part VI of Chapter 626, F.S., and specify the terms and conditions of contracts, require practices necessary to ensure fair dealing, prohibit conflicts of interest, and ensure the preservation of the rights of the claimant to participate in the adjustment of claims. The purpose of the proposed amendments is to update the rules and incorporate recent legislative changes to Part VI of Chapter 626, F.S. The proposed amendments to Rule 69B-220.001, F.A.C., define when an “emergency” exists and provide the procedures to obtain an online emergency adjuster license from the Department. The proposed changes to Rule 69B-220.051, F.A.C., clarify the responsibilities and requirements of public adjusters and public adjuster apprentices, specify the terms and conditions of contracts, require the license number on advertisements, and prescribe practices to ensure fair dealing between public adjusters and claimants. The proposed changes to Rule 69B-220.201, F.A.C., update the code of ethics for all adjusters and clarify the responsibilities and requirements of all adjusters.

SUBJECT AREA TO BE ADDRESSED: (1) Procedures for obtaining an online license as an emergency adjuster; (2) Conduct of public adjusters and public adjuster apprentices; and (3) Ethical requirements for all adjusters and special requirements for public adjusters.

RULEMAKING AUTHORITY: 624.308(1), 626.878, 626.9611(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.501(12), 626.015, 626.112, 626.611, 626.621, 626.852(2), 626.854, 626.8541, 626.855, 626.856, 626.858, 626.8584, 626.859, 626.864, 626.865(2), 626.8695(4), 626.8698, 626.870, 626.8736, 626.874, 626.877, 626.878, 626.8795, 626.8796, 626.9521, 626.9541(1)(b), (i) FS.

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

DATE AND TIME: March 10, 2010, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Eric Purvis, (850)413-5659 or Eric.Purvis@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric A. Purvis, Financial Administrator, Division of Agent and Agency Services, Room 412C, Larson Building, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5659

THE DEPARTMENT’S WEBSITE AT www.myfloridacfo.com/LegalServices/ruleHearing/

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-12.001	Purpose
5M-12.002	Definitions
5M-12.003	Eligible Agricultural Operations
5M-12.004	Plan Development and Revision
5M-12.005	Notice of Intent to Implement
5M-12.006	BMP Record Keeping
5M-12.007	Presumption of Compliance
5M-12.008	Access to Properties

PURPOSE AND EFFECT: The purpose of this rule is to effect agricultural nonpoint source pollutant reduction in Florida through the implementation of conservation plans on specified operations to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: This rulemaking establishes a procedure for specified agricultural operations to submit a Notice of Intent to implement a conservation plan, which contains agricultural water quality and quantity best management practices (BMPs) applicable to the operation covered by the NOI. Submittal of the NOI to the Florida Department of Agriculture and Consumer Services and implementation of identified BMPs that have been verified effective by the Florida Department of Environmental Protection provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), Florida Statutes, for those pollutants addressed by the practices. This rulemaking also provides that records maintained by the participant confirming the implementation of BMPs are subject to inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS.

LAW IMPLEMENTED: 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1705 or FAX (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

CONSERVATION PLANS FOR SPECIFIED AGRICULTURAL OPERATIONS

5M-12.001 Purpose.

The purpose of this rule is to effect, under incentive-based programs, agricultural nonpoint source pollutant reduction in Florida through the implementation of approved conservation plans containing best management practices (BMPs) that have been verified to be effective by the Florida Department of Environmental Protection (FDEP).

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History—New _____.

5M-12.002 Definitions.

(1) “Conservation plan” means a record of the decisions and supporting information for treatment of a unit of land or water, which meets the requirements of Rule 5M-12.004, F.A.C.

(2) “Department” means the Florida Department of Agriculture and Consumer Services.

(3) “Land use” means the producer’s intended use of the land for agricultural purposes.

(4) “Technical service provider” means an individual or entity certified by the United States Department of Agriculture Natural Resources Conservation Service (USDA/NRCS) and placed on its approved list to provide technical services to program participants.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History—New _____.

5M-12.003 Eligible Agricultural Operations.

The following operations may develop and implement site-specific conservation plans, as provided in this rule, to ensure that agricultural discharges have minimal individual or cumulative adverse impacts to the water resources of the state:

(1) Commercial livestock operations.

(2) Operations conducting multiple agricultural land uses on properties within the same county or on contiguous properties that cross county boundaries.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History—New _____.

5M-12.004 Plan Development and Revision.

(1) The conservation plan shall be developed in accordance with the USDA/NRCS National Planning Procedures Handbook Amendment 4, December 2006 (hereby adopted and incorporated by reference), and shall be consistent with quality criteria for soil, water quality, and water quantity contained in Section III A of the USDA/NRCS Field Office Technical Guide (FOTG), April 2005 (hereby adopted and incorporated by reference). These documents may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.floridaagwaterpolicy.com/bestmanagementpractice.s.html> <http://www.nrcs.usda.gov/Technical/efotg/>.

(2) The conservation plan shall identify:

(a) As listed in Section III B of the FOTG, March 2005 (hereby adopted and incorporated by reference), all the essential conservation practices for the identified land uses on the operation, and the applicable facilitating conservation practices that support quality criteria for soil, water quality, and water quantity contained in Section III A of the USDA/NRCS FOTG, April 2005, Section III B of the FOTG, March 2005, may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.nrcs.usda.gov/Technical/efotg/> or <http://www.floridaagwaterpolicy.com/bestmanagementpractices.html>.

(b) All applicable BMPs contained in Department-adopted manuals relevant to the operation. The producer shall complete and include in the plan the BMP checklists from the relevant manuals;

(c) The schedule of operations and activities needed to address all identified soil and water quality and water quantity issues, which provides for implementing:

1. As soon as practicable within one year of Notice of Intent (NOI) submittal, the applicable non-structural nutrient and irrigation management practices.

2. As soon as practicable within two years of NOI submittal, the remaining applicable practices, except for practices that require more time to implement, as specified in the plan.

(d) All applicable record-keeping requirements, including the relevant requirements in Rule 5M-12.006, F.A.C.; and

(e) The date of plan completion or revision.

(3) The plan shall be approved by USDA/NRCS or certified by a Technical Service Provider that it incorporates the relevant FOTG criteria and practices referenced in subsections (1) and (2).

(4) The plan shall be reviewed at least every five years, and updated as necessary to continue to meet the requirements of this rule. If the Department adopts or revises any BMP manuals relevant to the operation subsequent to plan completion, the producer shall incorporate any additional applicable BMPs into the plan.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History—New _____.

5M-12.005 Notice of Intent to Implement.

To enroll in the BMP program, the participant must submit an Notice of Intent to Implement (NOI) to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Boulevard, Suite 200, Tallahassee, Florida 32301. The Notice of Intent to Implement Conservation Plans for Specified Agricultural Operations (DACS-01539, Rev. 01/10), hereby adopted and incorporated by reference, may be obtained from the Office of Agricultural Water Policy or accessed online at <http://www.floridaagwaterpolicy.com/>. The Notice of Intent shall include:

(1) The name of the property owner, the location of the property, and the property tax ID number(s);

(2) The acreage of each agricultural land use on which the identified practices will be implemented;

(3) Contact name and information;

(4) The signature of the owner, leaseholder, or authorized agent; and

(5) A copy of the completed conservation plan. Once submitted to the Department with the NOI, the completed conservation plan is a public document, and shall be made available by the Department upon request, except for plan content that is confidential pursuant to Section 403.067(7)(c)5., F.S.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History—New _____.

5M-12.006 BMP Record Keeping.

Participants must preserve documentation to confirm implementation and maintenance of the BMPs contained in the conservation plan submitted with the NOI. All documentation is subject to inspection. Record keeping shall include:

(1) As applicable to the operation, documentation specified in the USDA/NRCS FOTG.

(2) Records specified for any applicable BMPs in Department-adopted manuals relevant to the operation.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History–New _____.

5M-12.007 Presumption of Compliance.

Pursuant to Sections 403.067(7)(c), and 576.045(4) and (5), F.S., agricultural operations that implement BMPs, in accordance with Department rule, that have been verified by the FDEP as effective in reducing pollutants addressed by the practices are presumed to comply with state water quality standards, and are released from the provisions of Section 376.307(5), F.S., for those pollutants.

(1) Except as stated in subsection (2), in order to meet the statutory requirements for a presumption of compliance with state water quality standards and release from Section 376.307(5), F.S., the participant must:

(a) Develop a site-specific conservation plan that meets the requirements of Rule 5M-12.004, F.A.C.;

(b) Submit an NOI to implement the plan, as outlined in Rule 5M-12.005, F.A.C.;

(c) Implement the plan and maintain the BMPs; and

(d) Comply with the record-keeping requirements in Rule 5M-12.006, F.A.C.

(2) Presumption of compliance with state water quality standards for the areas of livestock operations subject to regulation under Chapters 62-620, 62-621, and 62-670, F.A.C., is governed by the requirements of those rules.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085, 576.045(6) FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085, 576.045(4), (5) FS. History–New _____.

5M-12.008 Access to Properties.

Producers who implement BMPs under this rule shall allow the Department, or the Department in conjunction with FDEP, the applicable water management district or USDA/NRCS representatives, access to the property to confirm implementation, operation, and maintenance of BMPs. Advance notice of inspections shall be provided to the landowner, and the inspection shall be scheduled at a mutually agreeable time.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard J. Budell, Director, Office of Agricultural Water Policy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09412	Course Requirements – Grades K-12 Basic and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt revised Social Studies Course Descriptions for the 2010-2011 school-year. The effect will be course descriptions aligned with the Next Generation Sunshine State Standards approved by the State Board of Education.

SUMMARY: The rule is amended to adopt revised Florida Course Descriptions for Social Studies to align with the Next Generation Sunshine State Standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 1001.03(1), 1011.62(1)(s) FS. LAW IMPLEMENTED: 1001.42(9), 1003.42, 1011.62(1)(r) FS.

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

DATE AND TIME: March 16, 2010, 9:00 a.m.
PLACE: Tallahassee Community College, 444 Appleyard Drive, Building 38, Room 105, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades K-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades K-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publications “~~2010-2011~~ ~~2009-2010~~ Florida Course Descriptions for Grades K-12/Adult, Basic Education,” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a

variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or online at <http://www.floridastandards.org>.

Rulemaking Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-15-01, 12-17-02, 7-26-05, 11-21-05, 7-27-06, 1-18-07, 3-24-08, 10-21-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 2010

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-43.0031	Definitions
9B-43.0041	Application Process and Administrative Requirements
9B-43.0045	Category Specific Requirements
9B-43.0051	Grant Administration and Project Implementation
9B-43.0061	Emergency Set-Aside Assistance
9B-43.0071	Section 108 Loan Guarantee Program
9B-43.0081	Nonrecurring CDBG Funding

PURPOSE AND EFFECT: This is a substantial rewrite of the rule.

SUMMARY: Rule Chapter 9B-43, F.A.C., has been revised to include two new sections (Specific Requirements for Competitive Categories and Nonrecurring CDBG Funding). Existing sections have also been revised. Revisions have also been made to the application manual, including scoring criteria, which is incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost has been prepared. However, the rule revisions will not have a financial impact on the State of Florida or any local government served by the Florida Small Cities CDBG Program. The only costs associated with the rule revision are those related to the public meetings being conducted.

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

RULEMAKING AUTHORITY: 290.048 FS.

LAW IMPLEMENTED: 290.043, 290.044, 290.0455, 290.046, 290.047, 290.0475, 290.048 FS.

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

DATE AND TIME: March 16, 2010, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Community Affairs, Sadowski Building, Randall Kelley Training Center (Room 305), 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Toll free call in number: 1(888)808-6959; conference code 6518651.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Judy Peacock, Planning Manager, CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jacquelyn Dupree, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 9B-43.0031 follows. See Florida Administrative Code for present text.)

9B-43.0031 Definitions.

The Florida Small Cities Community Development Block Grant (CDBG) Program is governed by definitions provided in the Housing and Community Development Act of 1974, as amended; and Title 24 C.F.R. 570, incorporated herein by reference, as effective on 0-00-00. The following additional definitions are provided for clarification.

(1) “Administrative closeout” means the written notification to a recipient by the Department that all applicable administrative actions and all required work of the subgrant have been completed, with the exception of submission of the final audit.

(2) “Administrative costs” include the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities which are funded in whole or in part under the Florida Small Cities Community Development Block Grant

Program. Administrative costs shall include all costs of administration, including general administration, planning and urban design, and project administration costs. Excluded from administrative costs are:

(a) Architectural, engineering and associated construction observation costs where State law or 24 C.F.R. Part 85, as effective on 00-00-00, requires sealed construction documents to obtain a building permit;

(b) Force account crews performing construction work;

(c) Title searches, appraisals and costs of surveys.

(3) "Architectural and engineering services" means the basic services required to be performed by an architect or engineer licensed by the State of Florida including preliminary engineering, design services and services during construction except for the following additional engineering services:

(a) Site surveys for water treatment plants, sewage treatment works, dams, reservoirs, and other similar special surveys as may be required, such as route surveys.

(b) Laboratory tests, well tests, borings, and specialized geological soils, hydraulic, or other studies recommended by the engineer.

(c) Property surveys, detailed description of sites, maps, drawings, or estimates related to them, assistance in negotiating for land and easement rights.

(d) Necessary data and filing maps for water rights.

(e) Redesigns ordered by the owner after final plans have been accepted by the owner and the local government, except redesigns to reduce the project cost to within the funds available and projects which received "readiness to proceed" points or a planning and design grant.

(f) Appearances before courts or boards on matters of litigation or hearings related to the project.

(g) Preparation of environment assessments or environmental impact statements.

(h) Performance of detailed staking necessary for construction of the project in excess of the control staking.

(i) Provision of the operation and maintenance manual for a facility.

(j) Activities required to obtain state and federal regulatory agency construction permits.

(k) Design of hookups.

(l) Cost of engineering specialties such as electrical; hydro-geological services; biologists; and heating, ventilation, and air conditioning (HVAC).

(4) "Authorized signature" means the original signature of the Chief Elected Official or of a person designated by charter, resolution, code, ordinance or another official action of the local government to sign CDBG-related documents. If a signature other than that of the Chief Elected Official is submitted, a copy of the authorizing document must accompany the signature.

(5) "Biddable construction plans and specifications" means construction plans and specifications that include all addressed need service areas defined in the application, and includes all addressed need work activities outlined in the application. These documents must be consistent with the project description in the application and the proposed budget and scope of work.

(6) "CATF" means Citizen's Advisory Task Force pursuant to Section 290.046(5), Florida Statutes. The CATF shall be comprised of citizens in the jurisdiction in which the proposed project is to be implemented.

(7) "Complementary activities" are eligible activities, as provided in Section 290.042, F.S., required by the primary activity or project scored in the CDBG application for which grant funds are being requested and which do not, except for Economic Development projects, exceed 35 percent of the cost of the primary activity or project.

(8) "Direct Benefit" is CDBG assistance that promotes or enhances individual well-being, such as housing rehabilitation, sewer and water hookups, or job creation by a Participating Party. Activities that only meet a national objective through an area-wide benefit do not confer direct benefit.

(9) "Engineer" means a person meeting the qualifications in Section 47(1)005(4), F.S.

(10) A "finding" is a specific issue of noncompliance with federal or state regulatory requirements, including the CDBG subgrant contract provisions.

(11) "Full-time employee" means a person, excluding an elected official, employed by the local government who is on the payroll on one specific payroll date during the 45 day period prior to the application deadline and who is eligible to receive full vacation, retirement, and any other benefits provided by the employing local government to all its regular employees. For county governments, only the employees of the Board of County Commissioners shall be eligible to be included in this definition.

(12) "Fundable range" for each category, except Emergency Set-Aside, shall be determined from the final scores of the eligible applications, ranked by the Department in descending order. Awards are based on the ranking following appeals, beginning with the highest scored application and proceeding in descending order until all available funds in a category for that funding cycle are depleted. If there are unfunded applications in a category, the highest scored unfunded application shall set the score above which a project must remain to be fundable.

(13) "Household" means all individuals residing in a dwelling unit, regardless of their relationship.

(14) "Income" means annual income as defined by the U.S. Department of Housing and Urban Development as set forth in 24 CFR Section 5.609, as effective on 00-00-00.

(15) “Job creation location” means the geographic location in the project area where job creation activities of the Participating Party and expenditure of non-public funds will occur. This excludes locations where public funds from any source are being expended for local government owned infrastructure, local government owned public facilities or within public easements or rights-of-way.

(16) “Jobs – created” means non-public sector jobs that were not in existence in the State of Florida prior to the provision of the CDBG assistance and which would not be created without CDBG assistance. In cases where an employer both creates and eliminates jobs, “jobs – created” means the difference between the new jobs created and the old jobs eliminated.

(17) “Jobs – permanent” means full-time jobs (2,000 hours annually) or full-time equivalent jobs (2,000 hours annually) as set forth in the application which are necessary to the overall goals and objectives of a business and which have no known end.

(18) “Jobs – retained” means jobs that without CDBG assistance, would be abolished by layoffs, plant closing, or other severe economic or natural conditions or as otherwise clarified in 24 C.F.R. 570.483(b)(4), as effective on 00-00-00.

(19) “Jurisdiction” means the corporate limits of a local government.

(20) “Leverage” includes non-CDBG grants and loans to the local government, funds expended by other entities for the project (including by a Participating Party in an Economic Development project), fee waivers, or donated land required for the project. Special CDBG allocations awarded separately from the annual allocation, such as disaster recovery funding, may be used as leverage.

(21) “Liquidated damages” are funds paid to a local government by a contractor, vendor, or any other party pursuant to a CDBG-funded contract when such payment is triggered by non-performance or failure to perform. This definition is applicable whether such funds are withheld by the local government or repaid or rebated to the local government by the contractor, vendor or third party.

(22) “Local government” means a unit of general purpose local government, such as county governments and municipal governments (incorporated cities, towns and villages) within the State of Florida. Unless otherwise stated, “applicant” shall refer to the applying local government.

(23) “Low and moderate income (LMI) household means a household whose annual income does not exceed 80 percent of the median income for the area as most recently determined by HUD.

(24) “Low and moderate income persons” means members of low and moderate-income households.

(25) “Low income household” means a household whose annual income does not exceed 50 percent of the median income for the area as most recently determined by HUD.

(26) “Minority” means African American, American Indian, Alaskan native, Asian, Native Hawaiian, or Pacific Islander individual.

(27) “One hundred year floodplain” or “100 year floodplain” means the area subject to a one percent or greater chance of flooding in any given year as specified in 24 C.F.R. Section 55.2(b)(1), as effective on 00-00-00.

(28) “On schedule” means the local government’s performance on an open CDBG subgrant agreement is in accordance with the expenditure rates and accomplishments described in the contract workplan. Expenditures shall be considered “on schedule” if the local government has received at least 90 percent of the amount projected in the work plan’s schedule of expenditures. Accomplishments shall be considered “on schedule” if an activity identified in the work plan is not more than two months past the scheduled completion date.

(29) “On-time performance” means the local government has not received an extension of the subgrant agreement period for twelve (12) months or more, except for time extensions required for an Economic Development project to track additional job creation when contractual job creation commitments have been met, but the cost per job exceeds \$10,000. For subgrants initially funded only for planning and design, the 12 months shall begin two years after the subgrant was amended for construction phase funding.

(30) “Open subgrant” for the purposes of applicant eligibility is a CDBG agreement that has not been administratively closed.

(31) “Participating Party” means a private, for-profit business or non-governmental private not-for-profit entity responsible for creating or retaining permanent jobs as part of a proposed Economic Development project.

(32) “Principal” means the owner of 50 percent or more of a Participating Party business in a proposed Economic Development project.

(33) “Program income” means gross income received by a unit of local government that was generated from the use of CDBG funds.

(34) “Project area or areas” means the site or sites upon which all subgrant-related construction activities take place, without respect to funding source.

(35) “Public notice” is an advertisement published in a local newspaper of general circulation at least 5 days and no more than 20 days prior to the event for which the notice was placed. The calculation of the time period shall not include the date of publication of the notice.

(36) “Section 3” means Section 3 of the Housing and Community Development Act of 1968, as amended, and 24 C.F.R. Part 135, as effective on 00-00-00, relating to employment and other economic opportunities for lower income persons.

(37) “Service area” means the total geographic area to be directly or indirectly served by the subgrant project, where at least 51 percent of the residents are low and moderate income persons. A service area must include all, and only those, beneficiaries who are reasonably served or would be reasonably served by an activity.

(38) “Time period” or “days” means calendar days. All time periods specified in this rule, the application, the agreement and all correspondence to and from the Department refer to calendar days unless otherwise specified.

(39) “Very low-income (VLI) household” is a household whose annual income does not exceed 30 percent of the median income for the area as most recently determined by HUD.

Rulemaking Specific Authority 290.048 FS. Law Implemented 290.042, 290.043 FS. History—New 5-23-06, Amended _____.

(Substantial rewording of Rule 9B-43.0041 follows. See Florida Administrative Code for present text.)

9B-43.0041 Application Process and Administrative Requirements.

(1) Funding Cycles and Subgrant Agreement Ceilings. Unless otherwise directed by budgetary or administrative constraints, the Florida Department of Community Affairs shall annually initiate a funding cycle for the receipt and review of applications for Community Development Block Grant assistance from eligible units of local government.

(a) An annual application cycle will be announced for each federal award. The Department shall publish a Notice of Funding Availability (NOFA) which establishes a deadline date and time for submission of applications. The NOFA shall be published in the Florida Administrative Weekly at least 45 days in advance of the deadline.

(b) Subgrant ceilings establish limits on the amount of funds that may be requested in an application based on the most recently available U.S. Census of Population data. In the case of county government applicants, the population shall include only the unincorporated areas of the county.

(c) The local governments’ LMI population determines the maximum amount of funds for which they can apply. Population groupings are based on HUD modified census figures summarizing low and moderate income population as the following chart shows:

LMI Population Subgrant Ceiling

1 – 499 \$600,000

500 – 1,249 \$650,000

1,250 – 3,999 \$700,000

4,000 – 10,549 \$750,000

10,550 – and above \$750,000

(d) Planning and Design Specifications subgrants shall not exceed \$70,000.

(2) Eligible Applicants.

(a) Eligible local governments include those counties and municipalities in Florida that do not receive CDBG entitlement assistance from the U.S. Department of Housing and Urban Development (HUD). In the Small Cities CDBG Program, eligible local governments shall be referred to as “non-entitlement” local governments.

(b) Eligible local governments that have an open Housing, Neighborhood Revitalization, Commercial Revitalization, or Planning and Design Specifications subgrant shall not be eligible to apply for another Housing, Neighborhood, Commercial Revitalization, or Planning and Design Specifications subgrant until administrative closeout of their existing subgrant.

(c) Eligible local governments with an open Housing, Neighborhood Revitalization, Commercial Revitalization, or Planning and Design subgrant whose activities and expenditures are on schedule and on time may apply for an Economic Development subgrant.

(d) Eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for a Housing, Neighborhood Revitalization, Commercial Revitalization, or Planning and Design subgrant.

(e) Eligible local governments with an open Economic Development subgrant whose activities and expenditures are on schedule and on time may receive no more than one additional Economic Development subgrant in each funding cycle.

(f) To be eligible to apply for a Housing, Neighborhood Revitalization, or Commercial Revitalization subgrant, a local government with an open but completed Housing, Neighborhood, Commercial Revitalization, or Planning and Design subgrant shall submit an administrative closeout which must be received by the Department no later than 5:00 PM EST on the day prior to the advertised opening of the application cycle. The Department will acknowledge a local government’s closeout request by mailing an administrative closeout notification or a Notice of Outstanding Closeout Issues (NOCISS) letter.

1. The NOCISS letter shall identify issues that the local government must resolve before the Department’s review of the closeout can be completed.

2. A local government’s response to an NOCISS letter must be received by the Department at least ten days before the application deadline for the local government to retain eligibility for the funding cycle. For a NOCISS response received at least ten days prior to application deadline, eligibility will be retained if the response satisfies the deficiencies set forth in the NOCISS letter, regardless of whether the Department’s closeout notification has been mailed before the application deadline date.

(3) Citizen Participation Requirements.

(a) The applicant shall demonstrate that the citizen participation requirements required by this rule, sections 104(a)(1) and (2) and 106(d)(5)(C) of Title I of the Housing and Community Development Act of 1974, and Section 290.046(5), F.S., with public notice provided in accordance with Rule 9B-43.003, F.A.C., have been satisfied. Each applicant shall certify that it is following a Citizen Participation Plan pursuant to Section 104(a)(3) of Title I of the Housing and Community Development Act of 1974. The local government must inform and involve its citizens in the project planning and selection, and decision-making process regarding all CDBG-funded projects. These requirements are:

1. Public information is made available for various activities and the range of activities that may be undertaken;

2. At least one public hearing is held to obtain citizens' views regarding community development needs. This shall be known as the first public hearing. The public hearing must be advertised at least 5 days and no more than 20 days before the meeting;

3. At least one public hearing is held to obtain citizen views regarding the proposed project to be submitted for funding. A summary of the proposed application shall be published at least 5 days prior to and no more than 20 days before the hearing. The summary must provide citizens with an opportunity to examine the application and submit their comments on the final application prior to its submission to the department. The summary shall include, at a minimum, the proposed project description and anticipated location of the activities, what activities will be undertaken, and a specific CDBG amount for each activity. This shall be known as the second public hearing.

4. The applicant considers all comments and views expressed by citizens on the proposed application and, if appropriate modifies the proposed application;

5. Both public hearings shall be given proper public notice as defined in Rule 9B-43.002, F.A.C., Program Definitions (35), herein. The advertisement for the second public hearing on the application shall not occur until after the date of the first public hearing; and

6. All public hearings required to meet these citizen participation requirements must be conducted by a member of the governing body of the applying local government or by a duly authorized employee of that local government.

(b) The local government shall establish a Citizens Advisory Task Force (CATF) comprised of at least three residents of the jurisdiction, none of which shall be elected officials and no more than one employee of the local government. The purpose of the CATF shall be to provide input on all phases of the project process. The local government must obtain consent from the Department of Community Affairs for any other type of citizen participation plan upon showing that its plan is better suited to secure citizen participation for that locality.

1. The Citizens Advisory Task Force shall conduct at least one public meeting to discuss the proposed application before the second public hearing notice is published.

2. The CATF shall provide recommendations to the local government for all aspects of the local CDBG program.

(4) Application Preparation and Submission.

(a) Application Preparation: During each funding cycle, eligible applicants can submit applications in the following categories:

1. Either Housing or Neighborhood Revitalization, but not both. If both are received from an applicant, only the first application logged in by the Department will be scored. The second application will be returned unscored;

2. Commercial Revitalization; and

3. Economic Development;

(b) An applicant cannot receive more than one subgrant in any funding cycle from any of the following categories: Housing, Neighborhood Revitalization, or Commercial Revitalization, or Planning and Design.

(c) Application Forms. Application forms are in the application manuals, hereby incorporated into this rule by reference, effective as of 00-00-00, and which are available from the Department of Community Affairs at the address specified in the NOFA:

1. CDBG-H, Housing Application Manual;

2. CDBG-N, Neighborhood Revitalization Application Manual;

3. CDBG-C, Commercial Revitalization Application Manual; and

4. CDBG-E, Economic Development Application Manual;

(d) Administrative Costs.

1. Percentage Limitations. Applicants under the Housing category shall utilize no more than 15 percent of the total eligible subgrant amount for administrative costs. Applicants under the Economic Development, Neighborhood Revitalization and Commercial Revitalization categories shall utilize no more than 8 percent of the total eligible subgrant amount for administrative costs.

2. If administrative cost percentages set forth in Section 290.047, F.S., are exceeded in the application, the administrative costs shall be reduced prior to the offering of an award to bring the percentages into compliance based on the total eligible subgrant costs.

(e) Architectural and Engineering Costs. The maximum percentage of CDBG funds that may be spent on design architectural and engineering costs, excluding additional engineering services, shall be based on the total initial construction budget for eligible subgrant activities which require architecture and engineering and shall not exceed the Rural Development (RD) Rural Utility Service (RUS) fee schedule in Florida, RUS Bulletin 1780-9 (rev 10/2009), hereby incorporated into this rule by reference. Engineering

services during construction shall not exceed the Rural Development (RD) Rural Utility Service (RUS) fee schedule in Florida, RUS Bulletin 1780-9 (rev 6/2007), hereby incorporated into this rule by reference.

1. If more than one design professional is needed for an activity or activities (i.e., a landscape architect in addition to an engineer for sidewalk construction in a commercial revitalization project), the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately.

2. For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately.

3. For each additional engineering service as defined in subsection 9B-43.003(3), F.A.C., and for preliminary engineering, the local government shall negotiate a reasonable fee for the service following procurement procedures in 24 C.F.R. 85.36, as effective on 00-00-00.

4. Preliminary engineering costs not to exceed one-half of one percent of the estimated construction cost may be paid with CDBG funds over and above the amounts included the RD/RUS fee schedule.

5. If "readiness to proceed" points are part of the final application score, then CDBG subgrant funds for engineering costs shall not include preliminary engineering and shall not exceed \$10,000 plus the percentage in the fee schedule for Table IA, Table IIA, or a prorated amount of both tables for projects involving activities included in both tables. Also, CDBG funds shall not be used to fund any additional design or redesign costs, even if the "readiness to proceed" points are subsequently removed from the application after a subgrant award.

(f) Consistency with Local Comprehensive Plan.

1. The application shall include affirmations from all jurisdictions in which activities will take place that the proposed activities are not inconsistent with the applicable elements of the adopted local comprehensive plan.

2. If the Department determines that an application is inconsistent with the adopted local comprehensive plan, the applicant shall be advised of that determination in the completeness review letter. If after review of the applicant's response the Department reaffirms its determination of inconsistency, the application shall be rejected.

(g) Application Submission. Applications shall be received by the Department in Tallahassee by 5:00 p.m. EST on the date specified in the NOFA. Applications not received by the specified deadline shall not be considered. Applicants must also meet intergovernmental coordination and review requirements as follows:

1. By the application deadline, 12 copies of the following information for Housing, Neighborhood Revitalization, Commercial Revitalization and Planning and Design Specifications applications shall be mailed to the Department

of Environmental Protection, Florida State Clearing House, 3900 Commonwealth Boulevard, Mail Station 47, Tallahassee, Florida 32399-3000:

- a. Application Profile and Narrative.
- b. Sources and Uses of Non-CDBG Funds Information.
- c. CDBG Funds and Activity Goal Score Spreadsheet.
- d. All Maps.
- e. If applicable, Historic Preservation Documents.

2. A transmittal letter, requesting that documents relating to the Clearing House review be sent to the local government and the CDBG Program, shall accompany the materials sent to the State Clearing House.

3. By the application deadline, one copy of the above materials shall be sent to the Regional Planning Council that serves the local government.

(h) Application Submission and Fund Reservation for Economic Development Projects.

1. Economic Development applications may be submitted when the annual funding cycle opens. Economic Development applications received by the application deadline will be scored, ranked and, if successful, awarded until all available funds are committed. Should initial application requests not exceed available funds, applications received after the application deadline will be reviewed and awarded on a first-come, first-served basis until all funds are committed.

2. These funds shall include the annual Economic Development allocation and may include any funds unawarded from previous cycles and deobligated funds from previous Economic Development subgrants, in accordance with the Annual Action Plan under the State of Florida Consolidated Plan submitted by the Department to the U.S. Department of Housing and Urban Development, as amended.

3. A local government may apply up to three times in an annual funding cycle.

4. A local government cannot submit an additional Economic Development application in an annual funding cycle until any previously submitted Economic Development application for that annual funding cycle has been rejected by the Department, has lost its funding reservation, or is withdrawn in writing by the Chief Elected Official or his or her designee.

5. Economic Development applications will be date stamped upon receipt by the Community Development Block Grant Section. The date stamp and time received by the Community Development Block Grant Section shall establish the date and time for fund reservation purposes. Date stamps from any other section of the Department shall not establish a funding reservation. Funds will be reserved in the order received by date and time.

6. Once the application is received, the local government will not be allowed to provide new documentation from a Participating Party to meet the initial Participating Party requirements in the application.

7. If sufficient funds are available to fully fund an application, that amount is reserved for the applicant upon receipt of the application. The application continues to have those funds reserved until a subgrant is executed or until there is a loss of fund reservation.

8. Should insufficient funds be available to fund or partially fund applications with a funding reservation, those applications shall retain a position in the funding reservation line and may be funded if additional funds are made available by additional allocations or by a loss of funding reservation by another applicant.

9. If partial funding is available, the Department will offer to partially fund an eligible application and will continue with the application review and scoring for partial funding. If the application remains eligible after review and scoring considering the partial funding available, the Department will offer to partially fund it. There is no guarantee of full funding in such an offer, but a partially funded subgrant will be considered first if additional funds become available. The local government has the option of declining a partially funded offer.

10. The review and offer of funding will then be made to the next eligible pending application. If there are no other applications pending or if the amount of the funds available is too small for reasonable consideration, the partial funds can be held until additional funds are available.

(5) National Objective and Public Benefit Documentation.

(a) Achievement of national objectives. An applicant shall demonstrate that each of the activities proposed in its application meets at least one of the following three national objectives and that at least 70 percent of the funds requested shall benefit low and moderate-income persons:

1. An activity shall be considered to benefit low and moderate income persons when it benefits ~~are~~ low and moderate income persons as specified in 24 C.F.R. Section 570.483(b), as effective on 00-00-00; or

2. Aid in the prevention or elimination of slums or blight as determined pursuant to 24 C.F.R. Section 570.483(c), as effective on 00-00-00; or

3. Meet urgent community development needs where there is a serious and immediate threat to the health and welfare of the community, which are of recent origin or recently became urgent and where other financial resources are not available as determined pursuant to 24 C.F.R. Section 570.483(d), as effective on 00-00-00.

4. Applications must demonstrate they meet the criteria for complying with a national objective per 24 CFR 570.483, that they meet public benefit standards as outlined in 24 CFR 483, and that they address community need as outlined in Florida Statutes 290.046(3)(a)-(d). Each annual action plan will identify which national objective(s) will be considered for funding.

5. An applicant for a Neighborhood Revitalization or Commercial Revitalization subgrant shall meet a national objective by demonstrating that its activities will be carried out in distinct service areas characterized by the existence of slums or blighted conditions, or by the concentration of persons of low or moderate income.

(b) Public Benefit Achievement. Determination of benefit to persons of low to moderate income is established through the following methods:

1. HUD Census Data – LMI benefit can be documented by using HUD-provided Census Data where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. A jurisdiction-wide activity using census data rather than a survey to establish the national objective of benefit primarily to low and moderate income persons can score VLI points by calculating a percentage of VLI benefit using census data. VLI beneficiaries are calculated by totaling, for each block group in each census tract, the numbers shown in the PVLOW. The total of VLI beneficiaries is divided by the total beneficiaries (LOWMODUNIV) to establish the VLI percentage for scoring the appropriate VLI beneficiary points.

2. Random Sample Survey Methodology – A sample-based survey of the beneficiaries must use the “Household Income Certification Form,” located in the Application Manual, which must correspond with the random sampling requirements established by HUD in Notice CPD-05-06, as effective on 5-23-06.

a. The survey process must verify eligibility of any proposed direct benefit activities, certify the number of projected very low, low and moderate income households and beneficiaries, and the total number of beneficiaries.

b. When the sample-based survey results appear to substantially overstate the proportion of persons with low or moderate income in a service area when compared to census data, the Department will require the local government to provide supporting evidence substantiating the survey data. If the survey results are found to be inaccurate, the application shall be rejected.

3. Small Service Area Survey Methodology. For surveys of service areas under 50 households, all households must be surveyed. Any non-responding household must be assumed to be above low and moderate income.

4. The number of household members for non-responding households shall be based on the average household size for all responding households.

5. A survey approved by the Department for a funded CDBG application remains valid for the same geographic service area for up to five years from the date the survey was completed.

6. Only the methods of LMI benefit determination provided for in this rule shall be used.

(6) Beneficiaries of Public Improvements.

(a) For activities where hookups or connections are required for beneficiary access to the CDBG-funded improvement, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. The percentage of low and moderate income benefit shall be calculated by dividing the number of LMI persons connected to the CDBG-funded infrastructure by the total number of persons who could be connected to it.

(b) CDBG funded activities may not extend beyond the location of the last LMI beneficiary except where it is required for sound engineering, operation, or design reasons as certified by a licensed engineer.

(c) For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded public improvement, hookup or connection fees shall not be charged to very-low, low or moderate-income beneficiaries. Further, none of the project construction costs shall be charged to very-low, low or moderate income beneficiaries. All very low, low and moderate income beneficiaries in a Neighborhood Revitalization project service area with hookups as an activity shall be hooked up unless they provide written notice that they do not desire a hookup.

(d) Where non-LMI beneficiaries will have to pay a one-time fee (i.e., assessment, impact fee, etc.) to connect to or access the CDBG funded public improvement, and where a periodic service fee (i.e., water bill, sewer bill, etc.) will be charged, the proposed non-LMI beneficiaries will be advised of the estimated cost of the one-time fee and all beneficiaries will be advised of the estimated amount of any periodic service fee. The application narrative and budget must outline the estimated costs to be paid by non-LMI beneficiaries.

(e) Surveyed beneficiaries shall be advised of both fees in writing with signature acknowledgement of receipt and understanding prior to application submission. If census data is used, a random sample representing ten percent of the beneficiaries must be advised in writing with signature acknowledgement of receipt and understanding prior to application submission. If a household refuses to provide signature acknowledgement, the refusal shall be noted on the form.

(f) An applicant for an Economic Development project must meet a national objective through the creation or retention of jobs, of which fifty-one percent must be jobs for persons from low to moderate-income households and must provide a public benefit by creating or retaining a number of full time equivalent jobs that divided into the subgrant amount results in a cost per job of under \$35,000.

(7) Interlocal Agreements for Applicants with Activities Outside Their Jurisdiction.

(a) Prior to application submission, a written interlocal agreement shall be executed by all local governments in whose jurisdictions the CDBG activities will be undertaken. The interlocal agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources by one or both local governments to maintain the activity. Such an interlocal agreement must be submitted with the application for funding.

(b) Each local government signing an interlocal agreement shall affirm that all activities, project areas, service areas, and job creation locations are not inconsistent with its comprehensive plan.

(c) The application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place. The excerpts must document that the activities, project areas, service areas, and job creation locations are not inconsistent with the local government's comprehensive land use plan.

(d) An eligible applicant's activities can extend beyond its jurisdiction, provided the areas outside its jurisdiction are eligible. The applicant must have legal authority to provide such services or undertake such activities and be supported by a signed interlocal agreement executed by both eligible local governments. Except for Economic Development projects, no more than 25 percent of the service area beneficiaries may reside outside the applicant's jurisdiction unless all CDBG funded work is taking place within the applicant's jurisdiction or on property owned by the applicant. When all work will take place within the applicant's jurisdiction or on property owned by the applicant, up to 50 percent of the beneficiaries may reside outside the applicant's jurisdiction.

(e) Pursuant to 24 C.F.R. 570.486(b), as effective on 00-00-00, an eligible individual applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service area, if it can provide written documentation that the activity is required by an engineer or by a state or federal agency having regulatory authority over the activities. Any benefit to persons outside the jurisdiction or service area must not be a Direct Benefit and may only be incidental to the like activity undertaken within the jurisdiction or service area. Indirect benefit to persons outside the jurisdiction or service area shall not be used to establish activity eligibility for scoring purposes. All service area residents shall reside within the jurisdiction of the local government submitting the individual application.

(f) An eligible individual applicant can apply to undertake Economic Development infrastructure activity outside its jurisdiction, if it can provide written documentation that the infrastructure activities outside its jurisdiction are necessary to meet the needs of a job-creating Participating Party, pursuant to Section 290.046(2)(b), F.S.

1. The job creation location shall either be within the jurisdiction of the applying local government connecting to infrastructure outside its jurisdiction owned and operated by another public or private entity, or

2. The job creation location shall be outside the jurisdiction of the applying local government if that local government owns the necessary infrastructure (treatment, production, or storage) to be connected to the job creation location on behalf of the Participating Party.

3. In either case, liability for CDBG performance and compliance with all applicable rules and regulations rests with the applying local government.

(8) Application Reviews.

(a) The Department will complete a threshold review to determine that the local government, the application, and all proposed activities are eligible.

(b) The Department will undertake a completeness review to determine that the application is mathematically correct and contains all required documentation. This review will generate a list of issues to be addressed at site visit.

(c) Except for the Community-Wide Needs Score, any scoring item left blank will be scored as zero. This zero score cannot be changed as a result of site visit or because of information elsewhere in the application.

(9) Application Site Visits and Completeness Letters.

(a) Site visits shall be conducted by the Department prior to publication of the application rankings in the fundable range. For Economic Development projects, any Participating Party must be available during the site visit(s), or the Participating Party must come to Tallahassee to meet with Department staff within 30 days after the site visit(s). Should a Participating Party fail to meet one of the two conditions, the application must be withdrawn by the local government or the application will lose its funding reservation.

(b) The Department shall notify the Chief Elected Official in writing of the date and approximate time the site visit will take place.

(c) The Department shall examine all documents that have been certified to in the application.

(d) Except as otherwise provided for in Economic Development applications, after the site visit, the Department shall request in writing all documentation found to be unavailable or inadequate. Applicants shall have 21 days from the date that the request is received to provide the requested information to the Department. Responses to completeness letters must be transmitted by the applicant and received by the deadline established by the Department.

(e) Additional Completeness Review Items for Neighborhood Revitalization Applications. During the completeness review period, the Department shall review applications that propose land assembly or site preparation for

new housing construction for low and moderate income persons to determine whether documentation is provided to show:

1. Firm commitments for construction from the developer.

2. Documentation of ownership, or

3. An option on the land to control the sale to or ensure use by low and moderate income persons, and

4. Documentation that the proposed site is properly zoned.

(f) If the requested material is not received by five p.m. EST on the 21st day in the Community Development Block Grant Section at the address specified in the application manual, or if at the end of the completeness period, material is found to be incomplete or not in compliance, the following points shall be deducted from the applicant's total score:

1. Required Maps with information specified in the completeness letter – 250 points.

2. Interlocal Agreement, if applicable – 250 points.

3. In the Housing category, selection criteria for beneficiaries or a complete list of beneficiaries selected – 250 points.

4. Any scoring points associated with issues in the completeness letter for which additional documentation was requested.

(g) Completeness Review Items for Economic Development Applications. Completeness Issues found during application review, that require a response, are included in the Notice of Upcoming Site Visit letter. Following the site visit, the Department will mail to the local government an award and offer to contract letter and a subgrant agreement, including any necessary special conditions, for execution by the local government.

1. If additional issues are generated during the site visit, a list of additional questions or requests for information will be included with the award and offer to contract letter and the subgrant agreement if they have not been resolved prior to that time.

2. Within 60 calendar days of the local government's receipt of the award and offer to contract letter (the 60 day period), the Department must receive from the applying local government the information required in the Award and Offer to Contract Documentation section of the Application, any additional required documentation referenced in the award and offer to contract letter, and a signed subgrant agreement ready for the Department's execution.

3. The signed subgrant and all required documentation in 2. above must be received by the Department on or before 5:00 PM EST of the 60th day. The day the award and offer to contract letter is received by the local government shall not be included in the sixty-day completeness period. Facsimile or electronic submissions are acceptable to meet the requirements of the 60 day period.

4. If all program requirements have been met, the Department will execute the subgrant and return a signed copy of it to the local government.

5. If CDBG Economic Development funds are unavailable, the eligible applications will be held in the order of their funding reservation as established in this section should additional funds become available.

(10) Application Scoring. Once an application is submitted to the Department, no aspect of the application may be revised to improve the score or broaden the scope of the project.

(a) The maximum score possible in each category is 1,000 points. These points shall be divided among three program factors as specified below.

<u>Community-wide needs:</u>	<u>250 points</u>
<u>Program Impact:</u>	<u>650 points</u>
<u>Outstanding performance in equal opportunity employment and fair housing:</u>	<u>100 points</u>
<u>Total points:</u>	<u>1,000 points</u>

(b) Community-wide Need Scores (CWNS) for All Categories. The Department shall calculate the community-wide needs score from the most recent and uniformly available federal and State data for all jurisdictions eligible to apply. Current decennial U.S. Census data shall be used unless otherwise noted. Data shall be further defined as:

1. For municipal government applicants, the data relevant for the entire incorporated area shall be used;

2. For county government applicants, the data relevant for only the unincorporated areas within the county shall be used;

3. For municipalities incorporated since the most recent census, the block group or census tract data for the area that was incorporated shall be used where available; otherwise a proportion of the county's census data shall be used to calculate the community-wide needs score.

4. Factors. Three factors shall be used to determine the community-wide needs score with the following maximum points available for each:

a. Number of persons below poverty – 125 points

b. Number of year-round housing units with 1.01 or more persons per room – 62.5 points;

c. Number of persons in the low and moderate income population according to the latest HUD census – 62.5 points.

5. Method of Calculation. All eligible local governments shall be compared on the factors identified in paragraph 9B-43.0041(10)(a), F.A.C. Eligible local governments shall be compared on each factor with all other applicants in their population group as designated in paragraph 9B-43.0041(1)(c), F.A.C. Calculating each applicant's score shall include the following steps:

a. The highest statistic in each population group for each factor identified in paragraph 9B-43.0041(10)(a), F.A.C., shall be the basis for relative comparison of all other eligible local governments in the population group.
statistic on factor

----- = percentage to be used as factor multiplier
highest statistic on factor population group

b. For each eligible local government, the percentage calculated shall then be multiplied by the maximum number of points available for that particular factor.

percent x maximum points available = score for eligible local government on factor

c. The Community-Wide Needs Score factors shall be summed for each eligible local government for the overall Community-Wide Needs Score. Pursuant to Section 290.046(3)(b), F.S., each local government awarded subgrant funds shall have its community-wide needs score reduced by 5 points for every \$100,000, or fraction thereof, of contracted funding. If \$100,000 or more in funding is deobligated at the time the administrative closeout is approved by the Department, the score will be adjusted and the CWNS increased accordingly. This adjustment shall not be made during the first application cycle in which the most recent census data is used. All adjustments for subgrant funds received shall be based on subgrants received in all application cycles after the most recent census data was first used. This calculation shall be based on all funds contracted as of the end of the month prior to the opening date of the application cycle. The adjusted community-wide needs score cannot be less than zero. No deduction to CWNS shall be made for Emergency Set-Aside subgrants.

(c) Further point breakdowns for Program Impact, Equal Opportunity and Fair Housing are found in the rule section pertaining to individual program categories or in the application manual for each category.

(d) Applications with scores in the fundable range following appeals and that meet all other requirements contained herein shall be awarded funds for eligible activities.

(e) In the event that two or more applications receive an equal final score, the application addressing the highest State priority goal as reflected by the goal points for application activities shall receive first consideration. If a tie still exists, then the applicant with the highest community-wide needs score shall receive first consideration.

(f) The Department shall offer an applicant scoring within the fundable range an amount less than that requested in the application when insufficient funds are available to fund the total subgrant request or if ineligible activities are proposed in the application.

(g) Leverage. For leverage scoring purposes, only leveraged funds expended after the date of site visit and prior to the date of submission of the administrative closeout shall be counted.

(h) Penalty Points for Past Performance. A penalty shall be assessed against future subgrant applications based on prior contractual performance on subgrant agreements, including those subgrants which have submitted an administrative closeout prior to application deadline. This penalty will apply regardless of whether the subgrant has been amended to permit the reduction in accomplishments. If the subgrant is terminated with no expenditures or is terminated with expenditures for administration and/or engineering only, no penalty shall be assessed. This penalty expires two years from the date of administrative closeout. The Department will waive these penalties if the local government is unable to meet subgrant requirements due solely to a state or federally declared natural disaster or emergency. Penalties will include:

1. A penalty of five points per housing unit up to a maximum of 50 points for failure to rehabilitate or address the original number of housing units scored in the original application in the Housing category.

2. A penalty of five points per low and moderate income household not served or business facade not addressed as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the Neighborhood Revitalization or the Commercial Revitalization categories up to a maximum of 50 points. All direct benefit proposed in the application (i.e., water hookups) must be completed to avoid this penalty per house or facade. No penalty shall be assessed for failure to provide a water or sewer hookup if the hookup is not possible because the home is vacant or became damaged or destroyed after application submission, the homeowner refused the hookup or became non-LMI after the survey, and there are no other homes in the service area identified in the application as unmet need which can qualify for a hookup to replace any home not hooked up.

(11) Application Rejection and Loss of Funding Reservation Criteria. Applications that do not meet the following minimum requirements as outlined in Section 290.0475, F.S. shall be rejected without scoring:

(a) The application is not received by the Department by the application deadline.

(b) The proposed project does not meet one of three national objectives as contained in federal or state legislation;

(c) The application is not consistent with the local government's comprehensive plan adopted pursuant to Section 163.3184(7), F.S.;

(d) The proposed project is not an eligible activity as contained in the federal legislation;

(e) The applicant has an open Community Development Block Grant, except as provided in Section 290.046(2)(c), F.S.

(f) The local government is not in compliance with the citizen participation requirements required by ss.104(a)(1) and (2) and 106(d)(5)(c) of Title I of the Housing and Community Development Act of 1984 and department rule.

(g) Misrepresentation. The eligibility and scoring of the application is subject to the truth and accuracy of all information, representations, and materials submitted or provided by the applicant in the application, in any subsequent submission or in any response to fulfill the application requirements. The lack of accuracy thereof or any material changes which would materially change the scoring of the application or the subgrantee's eligibility shall cause the application to be rejected for eligibility or scoring.

(h) The survey results are inaccurate or cannot be substantiated.

(i) Loss of Fund Reservation for Economic Development Applications: An Economic Development application shall lose its fund reservation if:

1. An applicant is not eligible.

2. An activity is found to be ineligible. If an activity is found to be ineligible, the funding reservation will be reduced by the budgeted amount for that activity and any related engineering and administration.

3. The application is missing an initially required item that is specified in the Documentation Requirements section of the application.

4. The local government withdraws the application in a letter signed by the Chief Elected Official.

5. Prior to the end of the site visit, the local government fails to provide documentation requested in the Notice of Pending Site Visit letter.

6. The Department does not receive the required documentation and the subgrant signed by the Chief Elected Official or his or her designee within 60 days of the applying local government's receipt of the award and offer to contract letter. If the local government submits the required documentation and signed subgrant after the 60-day period has expired and unreserved funds are available, the date that the subgrant and all required documents are received by the Department becomes the new fund reservation date. If the documentation is adequate and unreserved funds are available to fund the application, a subgrant will be executed by the Department.

7. A Participating Party withdraws prior to the execution of the subgrant by the Department, unless the subgrant remains within the fundable range with the remaining Participating Parties. Increasing the job creation numbers or leverage of the remaining Participating Parties beyond that referenced in the application shall not be allowed. Replacement of Participating Parties shall not be allowed without withdrawal and resubmission of the application.

Rulemaking Specific 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History–New 5-23-06, Amended 2-26-07, _____.

9B-43.0045 Category Specific Requirements.(1) Program Requirements for Neighborhood Revitalization.

(a) The primary objective of the Neighborhood Revitalization category is to preserve and revitalize declining, primarily residential, low and moderate-income service area neighborhoods by addressing the major infrastructure problems contributing to such decline.

(b) Measurement of Program Impact. Specific criteria used to calculate the total 650 points for Program Impact are found in the Neighborhood Revitalization section of the application.

(c) Service Area Requirements.

1. An activity conducted in a primarily residential service area will be considered to benefit low-and moderate-income persons when at least 51 percent of the residents of that service area are low- and moderate-income persons. Such a service area must contain all households that will benefit from the activity. All activities shall meet the national objective of LMI benefit as specified in 24 C.F.R. 570.483(b), as effective on 00-00-00. When all construction is limited to direct benefit activities (e.g., water or sewer hookups), no service area is needed because all households benefitting from the activity must be LMI.

2. Any survey of the beneficiaries of a service area must correspond to the requirements established in paragraph 9B-43.0041(5)(b), F.A.C.

3. For activities where hookups or connections are required for beneficiary access to the public improvement (Direct Benefit), low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout compared to the total number of persons who could be connected to the infrastructure. Evidence at the time of closeout must show:

a. The total number of persons in households in the service area, and

b. The total number of low and moderate income persons in households connected to the infrastructure, and

c. Document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries for that activity in the service area equals at least 51 percent, or a larger percent if required to remain within the fundable range.

d. Eligibility for a hookup shall be based on verification of household income and sources not more than one year before the hookup is provided.

4. Area benefit activities as defined in 24 C.F.R. 570.483(b)(1)(i), as effective on 00-00-00, addressing the needs of elderly, handicapped or homeless beneficiaries are

presumed to provide 51 percent low and moderate income benefit for scoring purposes unless a survey of the service area of such activity documents a higher percentage of benefit.

5. CDBG funded activities may not extend beyond the location of the last LMI beneficiary except where it is required for sound engineering, operation, or design as certified by a licensed engineer.

(2) Program Requirements for Housing.

(a) The primary objectives of the Housing category are to improve housing conditions or expand housing opportunities primarily for low and moderate income persons.

(b) Housing subgrant recipients must have a Department approved Housing Assistance Plan addressing the activities specified in the application.

(c) Low and Moderate Income Benefit for Housing.

1. Selection of beneficiaries or housing units need not take place during the application process, but may take place at any time during the subgrant application or implementation process. All beneficiaries must be low and moderate income persons pursuant to 24 C.F.R. Section 570.482, as effective on 00-00-00.

2. Activities involving rehabilitation or acquisition of property to provide housing shall be considered to directly benefit low and moderate income persons only to the extent that such housing shall, upon completion, be occupied by low and moderate income persons, and for rental units the units must be occupied by low and moderate income persons at affordable rents pursuant to 24 C.F.R. 92.252, as effective on 00-00-00.

3. Water or sewer hookups may only be performed under this category as a complementary activity in conjunction with rehabilitation of a home.

(d) The applicant shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 C.F.R. 570.487, 24 C.F.R. 36 and 37, all as effective on March 28, 2002, and Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 1251 et seq.). The recipient is required to:

1. Prohibit use of lead-based paint;

2. Notify potential beneficiaries of the hazards of lead-based paint;

3. Inspect appropriate properties prior to initiating rehabilitation to determine if lead-based paint is present;

4. Undertake appropriate protection of workers and occupants during abatement;

5. Ensure proper clean up and disposal procedures are used;

6. Retain records of enforcement and monitoring for at least five years.

(e) Rehabilitation of all housing units addressed in any way with CDBG funds must be in compliance with the current Florida Building Code for Existing Buildings, as well as

implementing local Building Codes and local Maintenance Codes. If housing units must be replaced, construction of new units must be in full compliance current Florida Building Code.

(f) When CDBG funds are expended to acquire property through a voluntary process for the purpose of assisting low and moderate-income households to relocate out of a 100 year floodplain, the following shall apply:

1. Future development of the property acquired shall be prohibited;

2. The local government may retain title to the property or transfer the title to a land conservancy agency or program, subject to Department approval;

3. The beneficiaries shall agree in writing to relocate outside a 100 year floodplain; and

4. Any beneficiary or household who subsequently relocates at any time into a 100 year floodplain shall not be provided any direct benefit with CDBG funds at any future point in time and this restriction shall be noted in the relocation document signed by the beneficiaries in paragraph (c) above.

5. All structures on the property shall be demolished or relocated out of the floodplain.

(3) Program Requirements for Commercial Revitalization. Applications submitted under this category shall be designed to conserve and revitalize commercial areas, which serve primarily low and moderate income persons.

(a) Eligible activities. All activities must be geographically and physically located within the boundaries of the jurisdiction and the project area and be contiguous to or located on property that is primarily commercial as of the application deadline date. Unimproved property on which activities are proposed cannot be zoned for residential purposes only.

(b) Funds requested and approved for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access; and

(c) Service Area Requirements. Activities in Commercial Revitalization projects are considered to serve the entire jurisdiction in which they are to be undertaken, unless the applicant can justify a smaller service area (e.g., a CRA in a portion of a county). The applicant shall document, using census data or a survey, that least 51 percent of beneficiaries in the service area are low and moderate-income persons. A survey shall comply with the requirements specified in subparagraph 9B-43.004(5)(b)2., F.A.C.

(d) Requirements for Rehabilitation of Commercial Buildings. If CDBG funds will be used for rehabilitation of commercial buildings, the local government must prepare, receive Departmental approval, and then adopt procedures for providing rehabilitation assistance to building units occupied

by businesses through the Rehabilitation of Commercial Buildings activity before requesting funds for that activity. The procedures shall include at a minimum, but not be limited to, the following:

1. Restrict the Rehabilitation of Commercial Buildings activity to commercial buildings within the project area pursuant to 24 C.F.R. Section 570.202(a)(3). Properties upon which or adjacent to where CDBG activities are undertaken shall not be zoned for residential purposes only;

2. Require all businesses receiving rehabilitation assistance to provide services, which are available to all the residents of the service area, thereby meeting the national objective of benefiting low and moderate-income persons;

3. Specify the terms and conditions under which the rehabilitation assistance will be provided.

4. Provide that all buildings to be rehabilitated, except as provided in 11. below will be occupied at the time the assistance is provided or subject to a lease agreement such that the building will be occupied prior to closeout. The occupant shall be a legally constituted business with business, sales tax, and occupational licenses;

5. Provide that all contracts for rehabilitation over \$2,000 will comply with the Davis-Bacon Act.

6. Provide that businesses residing in a building rehabilitated with CDBG funds shall comply with the provisions of Section 504 of the Rehabilitative Act of 1973 (29 U.S.C. Section 794) as it relates to employment discrimination and facility accessibility;

7. Provide that CDBG funds addressing those code violations specified in the application will be in compliance with all local and state building codes and standards;

8. Establish a process for recognizing potential conflicts of interest, making those conflicts publicly known, dealing with those conflicts on a local level, and requesting waivers of those conflicts when appropriate pursuant to 24 C.F.R. Section 570.489 and Chapter 112.311-112.3143, F.S. Additionally, provide that no building owner, lesser, lessee, tenant, or occupant, or employee or immediate relative of the same, either personally or corporately, shall serve as a contractor to be paid with CDBG funds for the rehabilitation of said building, nor shall they be paid for their own labor with CDBG funds for the rehabilitation of said building;

9. Establish a process for final inspection of a commercial structure after rehabilitation and a process for final acceptance of a contractor's work on any grant funded activity and before the local government considers the rehabilitation completed.

10. The expenditure of CDBG funds per facade shall not exceed \$22,000 in CDBG funds. A building on a corner containing a single business may be considered to have two facades. Buildings which have been previously subdivided or portioned may be addressed as separate facades only if the building is subdivided such that:

a. There are separate primary entrances for each business;

b. Each of the businesses has separate and distinct occupational and sales tax licenses.

11. The façade only of a vacant building may be addressed if it is part of an overall building façade renovation effort in a contiguous area.

12. CDBG funds may be expended on the roof of a privately owned commercial building only after the issuance of a bona fide code violation report and only after the rehabilitation of the façade, the removal of architectural barriers to handicap access in the entrances and the bathroom areas, and the correction of other documented code violations.

13. CDBG funds for Commercial Revitalization activities shall not be used as grants or loans for working capital, inventory or supplies, or for interior repairs and renovations, except for repairs necessary to correct code violations or removal of architectural barriers to handicap access and correction of architectural barriers to handicap access in public buildings located in the project area pursuant to the requirements of 24 C.F.R. Part 8, as effective 00-00-00.

(4) Program Requirements for Economic Development.

(a) Applications submitted under this category shall be for creation or retention of jobs, of which at least 51 percent are for low and moderate income persons. A governmental entity cannot be a Participating Party.

(b) Prohibited Uses of Funds.

1. Funds shall not be used for working capital, inventory or supplies or to refinance existing debt.

2. Direct assistance to non-public entity shall not be in the form of a grant.

3. Funds cannot be used to purchase assets from any entity if any principal of the Participating Party owns an interest of 20 percent or more in that entity.

4. Funds cannot be used to build or develop infrastructure beyond that which is required as a prerequisite for the job creation by the Participating Party.

5. Funds shall not be used to refinance existing debt.

6. Funds cannot be used for a loan to a non-public entity which is determined not to be appropriate as defined in 24 C.F.R. 570.482(e), as effective on March 28, 2002.

(c) Eligibility Requirements for Loans.

1. Determining Eligibility for loans to non-public entities. All Economic Development applications submitted to the Department shall be screened to determine if the amount of any loan assistance to a private, for-profit entity; a private non-profit entity; a neighborhood based organization, a local development organization; or other not for profit entities is appropriate to carry out the Economic Development project. A financial underwriting analysis of the project shall be conducted to determine that the minimum amount of assistance is being requested, that the terms and interest rates are appropriate given the entity's debt service capacity, and that the

entity has the ability to meet the proposed debt service, given historical financial statements, data and reasonable projections of revenues and operating expenses, if applicable.

2. Applications which do not contain justification of the appropriateness of the assistance being requested shall be ineligible in accordance with federal law and federal guidelines and shall be ineligible for scoring as provided in Section 290.0475, F.S.

3. If based on the Department's review of the financial underwriting analysis for the assistance, the funds requested exceeds the funds necessary, the application request shall be reduced by the Department.

4. The local government shall provide to the Department a financial underwriting analysis and other Participating Party documentation not required at the time of application. The underwriting analysis must meet the requirements of 24 C.F.R. Section 570.482(e), as effective on March 28, 2002, and Appendix A. The underwriting analysis must be prepared by a certified public accountant, a commercial lending underwriter, a financial professional employed by the local government or the Participating Party, or some other financial or economic development professional, and shall verify:

a. That all project costs are reasonable;

b. That all sources of funding included in the application document their commitment to the project through written offers to fund with all contingencies stated;

c. That to the extent practicable, CDBG funds are not substituted for readily available non-federal financial support;

d. That the project is financially feasible;

e. That to the extent practicable, the return on owner's equity investment shall not be unreasonably high; and

f. That to the extent practicable, CDBG funds will be disbursed on a pro-rata basis with other finances provided to the project.

5. Once this financial underwriting analysis and other required documentation has been provided by the local government, any material change, including changes in corporate or ownership structure, which affects the underlying assumptions upon which the local government relied will require that the analysis be re-evaluated by the local government and any assistance requested for the Participating Party must be adjusted if a "material change" has occurred.

6. For CDBG loans only, CDBG funds may be used to fund up to 50 percent of the cost of eligible activities at the job creation location. The administrative cost shall not be included in this calculation. Applications which do not meet this requirement shall lose their funding reservation.

(d) Eligibility Requirements for Infrastructure Projects.

1. Determination of eligibility for infrastructure projects shall be based on the type of activities proposed and documentation that benefit primarily to low and moderate-income persons shall occur.

2. Applications shall also document that the entity proposing to create jobs is financially viable based on accepted industry standards.

3. The applicant shall document that the route, scope, cost, and size of the components of the proposed infrastructure are the minimum necessary to provide for the needs of a Participating Party at a job creation location.

4. Job Commitment. Applicants shall document that the Participating Party has the financial capacity to meet its commitment to provide or retain the jobs specified in the application. Applications which do not contain evidence of the capacity to provide jobs shall be assessed a 251-point reduction of their program impact score and will lose their funding reservation.

5. Job Creation or Retention. The number of jobs proposed to be created or retained shall be such that the cost in CDBG funds per job is consistent with 24 C.F.R. 570.482(f)(2) and (f)(4), as effective on 00-00-00. Applications which do not meet the cost-per-job requirements shall lose their funding reservation.

6. Leveraging of CDBG Dollars. Non-CDBG public funds directly linked to the proposed project may be included for scoring purposes. Applicants shall include documentation that all funds to be used for leverage are available and committed to the project and will be in the form of cash, loans, or grants. For CDBG loans, funds expended on assets purchased prior to the date of site visit shall not be counted to meet the 50 percent non-CDBG match portion of the project costs. Match is not required for infrastructure only projects. In order to be eligible for scoring, only leveraged funds expended after the date of the site visit and prior to the date of submission of administrative closeout shall be counted except for the cost of CDBG application preparation paid by the local government.

(e) National Objective and Public Benefit Documentation.

1. In determining whether an activity will benefit low and moderate-income persons, the net effect of the completed activity shall be considered. In the Economic Development category, each activity shall meet a national objective pursuant to 24 C.F.R. Section 570.483(b)(4), as effective on 00-00-00.

a. New jobs. The determination of actual benefit to low and moderate income persons shall be made based on the number and percent of persons who, at the time they were hired, were low and moderate-income persons as defined herein.

b. Retained jobs. The determination of actual benefit to low and moderate income persons shall be made based on the number of low and moderate income persons employed in the jobs that would actually be lost to the labor market or the jobs that would reasonably be expected to turn over within the following two years and filled with LMI persons upon turn over. The calculation of jobs shall be determined as of the date the application is submitted.

c. Where job creation is the method of meeting a national objective for construction of a public improvement or facility, all jobs created or retained as a direct result of the construction of the public improvement or facility shall be considered. However, if the costs per job and the time period specified in 24 C.F.R. Section 570.482(f)(2)(i), as effective on 00-00-00, are attained, only those jobs created by businesses included in the application must be counted for the purpose of meeting a national objective.

2. Determination of Availability of Jobs to Low and Moderate Income Persons. To determine that the created or retained jobs will be made available to low and moderate-income persons, the local government or Participating Party shall ensure that:

a. Jobs will be created which do not require special skills that can only be acquired with substantial work experience, education beyond high school, or specialized work experience.

b. Training opportunities will be provided to make such jobs available to low and moderate income persons who would not otherwise qualify; and

c. The advertising and recruiting efforts are directed toward low and moderate income persons.

3. If a national objective is attained under the provisions of 24 C.F.R. 570.483(b)(4)(iv) or (v), as effective on 00-00-00, demographic and/or census documentation must be provided with the application.

(f) Public improvement activities are also subject to the requirements of 24 C.F.R. Section 570.483(e)(1), as effective on 00-00-00. Activities to address the needs of those beneficiaries listed in 24 C.F.R. 570.483(b)(2)(ii)(A), as effective on 00-00-00, will be presumed to meet the national objective of benefit to low and moderate income persons if they are directly related to the job creation or retention activities.

(g) Program Impact Criteria for the Economic Development Category. Program Impact criteria for Economic Development shall be based on a maximum of 650 points.

(h) If the contract must be modified because of withdrawal of a Participating Party or a reduction in leverage or job numbers, the local government must amend the contract and remain within the fundable range. Substitution of Participating Parties will be allowed only if the substitute is a business desiring to locate at the proposed job creation location or a location that will use the same infrastructure proposed in the application. The substitute Participating Party shall sign a Participating Party agreement which includes an obligation to create the same number of jobs and expend the same amount of leverage.

(5) Program Requirements for Planning and Design Subgrants.

Planning and Design subgrants provide phased funding for a project. Funds are initially provided only for engineering design and related grant administration. After completion of

biddable construction plans and specifications, funding is provided for construction phase costs by a subgrant amendment.

(a) A Planning and Design subgrant may be offered to an applicant in the Neighborhood or Commercial Revitalization category whose score is below the fundable range for full funding and did not receive readiness to proceeds points.

1. Planning and Design subgrants will be offered based on rank ordered scores, subject to available funding.

2. Preference for Planning and Design subgrants will be given to applications in the Neighborhood Revitalization category.

3. Only those local governments whose applications indicate they will consider Planning and Design funding will be offered such a subgrant.

4. Only those applications which meet all other program requirements will be considered for a Planning and Design subgrant.

(b) Each Planning and Design subgrant shall not exceed \$70,000 and shall fund only the costs of engineering services required for the development of biddable construction plans and specifications and grant administration.

1. Engineering costs funded from the subgrant shall not exceed the RUS fee schedule for engineering (Table I, Table II, or proration of these tables, depending on the nature of the project) and applicable additional engineering services as defined in this rule.

2. Grant administrative costs funded by the subgrant shall not exceed six percent of the amount of the Planning and Design subgrant.

(c) After biddable construction plans and specifications are provided to the Department, the subgrant will be amended, as funds become available, for construction phase costs up to the maximum amount allowed for the jurisdiction.

(d) If biddable construction plans and specifications cannot be completed, the subgrant shall be closed out.

Rulemaking Authority 290.048 FS. Law Implemented 290.043, 290.044, 290.046 FS. History—New _____.

(Substantial rewording of Rule 9B-43.0051 follows. See Florida Administrative Code for present text.)

9B-43.0051 Grant Administration and Project Implementation.

(1) Environmental Review. CDBG subgrant recipients must comply with the procedures set forth in 24 CFR Part 58, Environmental Review Procedures for Title I Community Development Block Grant Programs and 40 CFR Section 1500-15-8, National Environmental Policy Act Regulations.

(2) Procurement. CDBG funds shall be used to obtain commodities and services only in accordance with written procurement procedures adopted by the recipient and shall comply with the provisions of 24 C.F.R. Section 85.36, as

effective on 00-00-00, and for covered professional services contracts, Section 287.055, F.S., (Consultants Competitive Negotiation Act).

(a) Any procurement which requires public notice in a newspaper based on the local CDBG procurement policy shall be published in a daily newspaper of general circulation in a nearby OMB designated metropolitan statistical area (MSA). Alternatively, a local government may substitute such notice with any solicitation procedure which generates at least three responsible and responsive bids or proposals which can be considered. Such procedure shall allow at least 12 days for receipt of the proposals or bids.

(b) The Department must provide written approval prior to the recipient awarding any contract exceeding \$25,000 procured as a result of inadequate competition, a sole source, or a non-competitive procurement. For contracts below \$25,000, the recipient's files must document the justification for the procurement which complies with 24 C.F.R. Section 85.36 (b) (4), as effective on 00-00-00. If prior written approval is not obtained, the Department has no obligation to fund the contract unless the Department subsequently approves the procurement.

(c) In procuring services for subgrant administration, recipients shall evaluate in writing any economies of scale or other means of securing efficiency that may be available as a result of the type, number and geographic distribution of subgrants to be administered by the recipient or by a prospective subgrant administrator.

(d) Under Section 290.047(5), F.S., a local government is permitted to contract with the same entity for more than one service, provided that the local government can document that the entity is either (i) the sole source or (ii) was determined, through the Request for Proposals process, to be the proposer most advantageous to the local government. Unlike services, such as, program administration, and engineering services, shall not be combined in a single contract except for design-build contracts procured in accordance with Section 287.055, F.S. If separate procurements result in one firm selected for application and administration services, those services may be combined into one contract provided there are separate scopes of work and a separate fee for each service.

(e) All contracts for professional services shall conform to the following:

1. Any Request for Proposals which includes more than one service shall provide that:

a. Proposals may be submitted for one or more of the services;

b. Qualifications and proposals shall be separately stated for each service; and

c. The evaluation of the proposals shall be separate for each service.

2. A written evaluation, such as a ranking sheet or narrative, shall be prepared for each proposal, ranking or comparing each proposal to the criteria in the published Request for Proposals. Based on those criteria, the written evaluation will document why the successful proposal was selected.

3. A separate professional services contract must be procured and executed between the local government and any professional services consultant for each CDBG subgrant, except as provided in paragraph (f) below. Each advertisement for procurement of CDBG professional services, except for application preparation, must identify either the CDBG funding cycle by federal fiscal year or the CDBG subgrant number. In the absence of any identifier, the procurement will be presumed to be for the CDBG funding cycle closest to the publication date of the advertisement or, if there is no advertisement, the date of receipt for proposals.

4. Each professional services contract must identify the CDBG subgrant number to which it is applicable.

5. No firm shall be precluded from submitting a bid or proposal for any work funded partially or wholly with CDBG funds based on a minimum experience requirement. A firm's experience can be addressed as an evaluation factor in the ranking for professional services and is a consideration in determining the "responsibility" of a firm when the determining the "low, responsive, responsible bidder" for services procurement through bids, as required by 24 CFR 85.36(d)(2)(ii)(D).

(f) Engineering and Administration Services.

1. If the procurement for administration or engineering services for a subgrant initially funded only for planning and design was accepted by the Department and the public notice or Request for Proposals stated that the firm awarded a contract for planning and design services would also, at the discretion of the local government, provide the services during project construction, then a procurement for those services during construction is not required. If the Request for Proposals specifically included services during construction in the scope of work, then no additional procurement is required for those services.

2. A recipient whose application received "readiness to proceed" points may use the design engineer for services during construction if the Department determines that the procurement for design services was competitive or authorizes a non-competitive procurement.

(g) Construction Contracts.

1. If CDBG and other sources of funding are jointly used to fund activities under a single contract, the activities to be paid for with CDBG funds must be shown separately so that the bid proposal identifies the CDBG activities and the amount of a contract to be paid from CDBG.

2. If after applying any specified deductive alternates, construction bids exceed available funds, the local government shall not negotiate with the low bidder unless there is only one bidder or unless all bidders are allowed to submit revised bids for the revised project. If the construction cost can be reduced by deleting entire bid line items or reducing quantities based on unit prices identified in the bid, the effect of such deletions or reduction on all bidders' prices shall be determined. Contract award shall be made to the low, responsive and responsible bidder for the revised project.

3. All contracts in excess of \$100,000 covered by Section 3 regulations shall contain the language required in 24 C.F.R. 135.38, as effective on 00-00-00.

(h) The provisions of this subsection shall not be construed to conflict with or supersede the requirements of Section 287.055, F.S., or any other applicable State or federal law.

(3) Fund Distribution.

Payment from the Department shall not be for an amount less than \$5,000, unless it is a recipient's final Request for Funds.

(4) Amendments. All proposed amendments must be approved by the Department. Amendments reducing the number of intended beneficiaries or the accomplishments from the original application shall require review by the recipient's Citizens Advisory Task Force and a public hearing with public notice. Any amendment which would reduce the score below the fundable range shall not be approved by the Department.

(a) Documentation Required. Requests for amendments shall include the following written documentation for review by the Department.

1. A cover letter signed by the Chief Elected Official or his or her designee which describes the need for the proposed changes and their effect upon the approved project. If the amendment involves an extension of time, the recipient must provide a justification for the extension.

2. All application forms that would be changed by the proposed amendment.

3. If applicable, a revised work plan.

4. If applicable, a revised budget showing the current and amended budget.

5. If there is a change in activity location, a map indicating the proposed changes.

6. If applicable, a copy of the minutes of the meeting of the Citizen's Advisory Task Force at which the proposed amendment was reviewed.

7. If applicable, a copy of the public notice for the public hearing at which the amendment was approved, which shall evidence compliance with subsection 9B-43.0031(35), F.A.C.

(b) To allow the Department adequate time to ensure the amendment is processed before the subgrant termination date, amendments requests must be received at least 45 days prior to the end of the subgrant. Time extension requests must be received at least 90 days before the end of the subgrant.

(c) Department approval or rejection of an amendment request shall be noticed to the local government within 45 days of the Department's receipt of the request. If additional information is requested by the Department to act on the amendment request, the Department shall notice the local government within 30 days of receipt of the additional information required for the approval or rejection of the request.

(d) If the local government requests administrative closeout prior to the termination date of the subgrant, any amendment affecting closeout must be included with the closeout documents.

(e) If a subgrant must be amended after the termination date, the local government or the Department may request in writing that the subgrant be reopened for the purpose of amending the subgrant. This request must be in addition to other documentation that may be required based upon the purpose of the amendment.

(5) Subgrant Agreement Closeout.

(a) At the time the closeout report is submitted, the local government must have available documentation to verify its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant end date and submission of the administrative closeout. All funds drawn from the Department and not expended must be returned to the Department prior to or with the submission of the closeout.

(b) Upon completion of the activities contained in the local government's CDBG subgrant, including any amendments, the local government shall submit to the Department a closeout report which gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout report have been paid, and reports demographics of the program's beneficiaries. Economic Development projects in which the cost per job exceeds \$10,000 shall not submit an administrative closeout until one year after the date CDBG funded activities were completed.

1. If any change has been made since the application map or the last map amendment in Commercial Revitalization or Neighborhood Revitalization, the closeout shall also contain a revised map of the completed activities.

2. The closeout report in Housing shall include a list of the homes assisted and certify that each housing unit was within the local government's jurisdiction.

(c) The closeout report must contain original signatures. Facsimile (FAX) submissions are not acceptable to meet submission requirements.

(d) If a recipient fails to meet contractual requirements on time, the Department reserves the right to require that a recipient financially (not administratively) close out a subgrant to meet federal requirements for the timely distribution of funds set by HUD.

(6) Performance.

(a) Reporting. At a minimum, the local government shall provide the Department with a final closeout report.

(b) Monitoring by the Recipient. Recipients shall constantly monitor their own performance of project activities to ensure that time schedules are met, projected milestones are accomplished, and other performance goals are achieved.

(c) Monitoring by the Department. The Department shall review each subgrant periodically to determine whether the recipient is implementing the subgrant as described in the approved application, the subgrant contract and in compliance with the requirements of Sections 290.0401-.049, F.S., this rule, and other applicable State laws and federal regulations.

1. Recipients shall be required to supply data and make available records as are necessary to complete an accurate evaluation of contracted activities. Recipients shall respond to any monitoring finding, and to any concern identified as requiring a response, within (35) days of the receipt of the Department's letter. Otherwise, the Department will reject any Request for Funds. The Department will grant one 15-day extension to the response period upon request by the recipient.

2. If the Department must take formal action under the terms of the subgrant to terminate it for cause, the recipient will be assessed 150 penalty points against the score of future applications. This penalty expires two years from final closeout (not administrative closeout) of the terminated grant.

(d) Remedies. When the Department determines on the basis of a review of the recipient's performance that the terms of the subgrant are not being met, the Department shall:

1. Initiate actions as prescribed in 24 C.F.R. 570.910(b), "Corrective and Remedial Actions" and 570.911, "Reduction, Withdrawal, or Adjustment of Grant or other appropriate action," both as effective on _____.

2. If at any time after the effective date of a subgrant the Department determines that a funded activity is not eligible pursuant to 24 C.F.R. Part 570, as effective on 00-00-00, the Department may unilaterally modify the agreement to delete the ineligible activity and deobligate any unencumbered funds.

(e) Submission of inaccurate information by the recipient may be subject to one or more of the following penalties. This applies to inaccurate information in monitoring report responses; audit or audit finding responses; quarterly, closeout, program income, or other reports; or Requests for Funds if this inaccuracy results in subsequent official Department action (such as the granting of administrative or final closeout status, releasing funds, or clearance of findings). These penalties are:

1. In the case of monitoring or audit responses, it shall result in the revocation of closeout status, audit clearance, and/or monitoring report clearance.

2. In the case of an action, which avoids a penalty, the penalty will be assessed.

3. In the case of an administrative closeout status, it shall result in the nullification of the eligibility of the recipient to apply for and receive additional CDBG funding in accordance with Section 290.046(2)(c)(i), Florida Statutes. Such revocation of administrative closeout status would also affect subsequent Department actions made on that basis, including the cancellation of any subsequent subgrant and repayment by the recipient of any funds previously expended under the nullified subgrant.

(7) Audit Requirements.

(a) The annual financial audit report should be accompanied by management letters and the recipient's response to all findings, including corrective actions to be taken. A Single Audit under OMB Circular A-133, or an attestation statement that a Single Audit is not required, must be received from a local government with either an open or administratively closed contract by the June 30 deadline date, or a penalty will be assessed. A 25 point penalty will be assessed for audits not received by the June 30 deadline. A 10 point penalty will be assessed for attestation statements not received by the June 30 deadline. The penalty will expire two years from the date that the audit or attestation statement was received.

(b) The annual financial audit report shall include a schedule of financial assistance specifically identifying all agreement and grant revenue by sponsoring department and agreement number.

(c) The complete financial audit report, including all items specified in paragraph (a) or (b) above, shall be sent directly to the addresses specified in the subgrant.

(d) If the audit shows that the entire funds, or any portion thereof, were not spent in accordance with the conditions of a CDBG subgrant or this Rule, the recipient shall be held liable for reimbursement to the Department of all funds not spent in accordance with applicable regulations and subgrant provisions within thirty (30) days after the Department has notified the recipient of such noncompliance.

(e) The recipient shall retain all financial records, supporting documents, statistical records, and any other documents pertinent to a CDBG subgrant for a period of six years after the date of final closeout submission of the final expenditures report. However, if litigation or an audit has been initiated prior to the expiration of the six year period, the records shall be retained until the litigation or audit findings have been resolved.

(f) The recipient shall have all audits completed by an independent certified public accountant (ICPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The ICPA shall state that the audit complied with the applicable provisions noted above.

(8) Displacement and Relocation.

(a) Recipients are required to develop a written plan for assisting persons or businesses that may be displaced as a result of activities assisted with CDBG funds. The plan shall include actions that the recipient shall take to mitigate any adverse effects resulting from CDBG funded activities that may cause such displacement. This plan shall be in accordance with Section 104(d) of Title I of the Housing and Community Development Act of 1974, as amended and is required even if displacement is not anticipated.

(b) If the CDBG funded activity involves the acquisition of real property by the local government or causes displacement of persons or businesses, the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," as amended, shall apply. For activities resulting in displacement of persons or businesses that do not involve the acquisition of real property, and thus not subject to the "Uniform Act," the local government's local written policy shall identify the assistance it elects to provide for such persons or businesses.

(c) The recipient shall make its displacement and relocation policy available to the public.

(9) Records. The local government shall maintain all subgrant files and records within a readily accessible site within its jurisdiction and under its control at all times until six years after receipt of final closeout notification from the Department. The local government shall provide all interested citizens with reasonable access to the subgrant records during normal business hours.

(10) Program and Non-Program Income.

(a) Liquidated damages, rebates, refunds, or any other "non-program income" received from any party previously paid (or from whom payment was withheld) shall be used to conduct additional eligible activities or returned to the Department. Additional direct and quantifiable costs (i.e., legal fees, court costs, engineering fees or administrative fees as defined in this rule) generated by the incident creating the liquidated damages may be deducted from the total liquidated damages prior to undertaking additional activities or returning funds to the Department. Use of the funds for additional eligible CDBG activities must be preceded by an amendment to the CDBG subgrant detailing their use.

(b) Program income generated after closeout shall be returned to the Department. Program income generated prior to closeout of a subgrant shall be returned to the Department unless:

1. The program income is used to fund additional units of CDBG activities referenced in the subgrant under which the program income was generated; and

2. The recipient amends the subgrant to encompass expenditure of the program income prior to administrative closeout; and

3. The funds are to be expended pursuant to the provisions of 24 C.F.R. Part 570, as effective on 00-00-00, Sections 290.046-.049, Florida Statutes, and this rule.

(11) Conflict of Interest. If CDBG funds are to be expended to assist or benefit any person listed in 24 C.F.R. Section 570.489(h)(3), as effective on 00-00-00, or listed in Section 112.312 (21), Florida Statutes who is subject to a conflict described in 24 C.F.R. Section 570.489(h)(2), as effective on 00-00-00, a waiver of that conflict shall first be requested pursuant to 24 C.F.R. Section 570.489(h)(4), as effective on 00-00-00. Should CDBG funds be expended prior to the Department's approval of the waiver of the conflict of interest, the funds expended will not be considered an eligible expense and shall be subject to repayment.

(12) Direct Benefit. The eligibility of households receiving direct benefit, including water or sewer hookups, shall be established no earlier than one year before the work is performed. Eligibility documentation shall include third party verification of household income and source(s) regardless of the value of the direct benefit.

Rulemaking Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History–New 5-23-06, Amended 2-26-07, _____.

(Substantial rewording of Rule 9B-43.0061. See Florida Administrative Code for present text.)

9B-43.0061 Emergency Set-Aside Assistance.

Applications will be accepted for the Emergency Assistance Set-aside in accordance with the following criteria:

(1) The maximum funds available under this set-aside from each federal fiscal year's allocation shall be five percent of the funds and shall be for 12 months from the award date of the federal grant.

(2) Any funds in this set-aside for which a notice of intent to submit an emergency application has not been received prior to the date established in subsection (1) above shall be reallocated in accordance with Section 290.044(4), F.S.

(3) Applications will only be accepted from eligible local governments, as defined in Section 290.042(5), F.S., which have been declared by executive order of the Governor to be in a state of emergency as provided under Section 252.36, F.S., and any subsequent emergency rule criteria prepared by the Department to address the emergency. A local government with an open subgrant in any other category is not precluded from applying for or receiving Emergency Set-aside funds because of the open subgrant or its status.

(4) The purpose of funds shall be to meet serious, urgent community needs of low and moderate income residents resulting from the disaster. Sufficient documentation must exist to show that the need for the activities being undertaken is directly related to a specific disaster event covered by an

executive order. The amount of funds requested shall be limited to that amount necessary to address the emergency need.

(5) All other provisions of this rule chapter shall apply to the Emergency Assistance Set-aside unless otherwise stated in the Notice of Funding Availability.

(6) If the total requests for funding exceed the amount of available funds, the Department shall allocate funds among all applicants with eligible activities but not to exceed the amount requested by any applicant.

(a) A prorated allocation shall be calculated by dividing the available funding by the total eligible costs requested by all applicants. Each applicant shall be offered an amount, rounded to the nearest dollar, equal to the percentage developed from this calculation.

(b) Any funds remaining after the procedure in (a) shall be allocated to the applicant with the lowest eligible request. If two or more applicants have the same lowest eligible request, the remaining funds shall be allocated equally between them.

(c) If an applicant chooses not to accept the amount offered, that amount shall be redistributed equally among all applicants who accepted their offer.

Rulemaking Specific Authority 290.044 FS. Law Implemented 290.044 FS. History–New 5-23-06, Amended _____.

(Substantial rewording of Rule 9B-43.0071 follows. See Florida Administrative Code for present text.)

9B-43.0071 Section 108 Loan Guarantee Program.

(1) Application Process.

(a) Projects which propose loans to a third party or parties shall include letters of commitment from all funding sources evidencing sufficient funds to complete the project. For economic development projects, these commitments shall include at a minimum those stated in the Economic Development section of the Florida Small Cities CDBG Application Manual under "Initial Participating Party Commitments."

(b) Following the receipt of a formal invitation to submit an application, the local government (Applicant/Borrower) shall have a third party conduct and complete a detailed underwriting analysis in accordance with 24 C.F.R. 570.482(e)(2) and Appendix A of 24 C.F.R. Part 570. The Department may, as necessary, require additional underwriting standards, criteria or review.

(c) The Department shall retain the right of approval of the third party underwriter, the method of analysis and adherence to the guidelines in 24 C.F.R. 570.482(e)(2) and Appendix A.

(d) The local government shall submit the underwriting analysis with the final application package. The Department reserves the right to require additional information from the local government, the underwriter and/or the third party to whom a loan is proposed. Once a financial underwriting analysis and other required documentation has been provided

by the local government, any material change, including changes in corporate or ownership structure, which affects the underlying assumptions upon which the local government relied will require that the underwriting analysis be re-evaluated by the local government and any assistance requested for the Participating Party must be adjusted if a material change has occurred.

(2) Site Visit and Contracting Period.

(a) The Department will conduct a site visit following review and acceptance of the final application package. For projects which propose loans to a third party or parties, a representative of the third party(ies) shall attend the site visit or must meet with Department staff within 30 days after the site visit at the Department of Community Affairs.

(b) The local government shall submit a fully executed Participating Party Agreement meeting the requirements set out in the Economic Development section of the Florida Small Cities CDBG Application Manual.

(3) Administration and Reporting.

(a) The local government shall copy the Department on all written correspondence with HUD, the underwriter, the Participating Party and all other involved parties.

(b) The local government shall at a minimum provide the Department with quarterly progress reports until such time as the project is administratively closed. This report shall include documentation in a form acceptable to the Department of the project's draws and repayments, accomplishments to date and updates on previous areas of concern as determined by the Department.

Rulemaking Specific Authority 290.048 FS, Law Implemented 290.0455 FS, History--New 5-23-06, Amended _____.

9B-43.0081 Nonrecurring CDBG Funding.

(1) When nonrecurring CDBG funds are awarded to the State of Florida by the U.S. Department of Housing and Urban Development (HUD) to address disaster recovery needs in Presidentially declared disaster areas, the Department will adhere to the following process:

(a) Submit an Action Plan to HUD which describes the proposed use of the funds.

(b) Notify eligible applicants of the availability of the funds, the eligible uses, and the manner in which they can be accessed.

(c) Evaluate local government proposals for the use of the funds and make on-site visits to ensure compliance with federal guidelines.

(d) Execute subgrant agreements with the local governments.

(2) The objective of nonrecurring disaster funding is to address disaster relief, long-term recovery, and to restore housing and infrastructure, particularly that which affects persons who are of low and moderate income that suffered damage or loss as a result of the disaster. Funds may be made

available to both Urban Entitlements and participants of the Florida Small Cities CDBG Program, federally designated Indian Tribes and nonprofit organizations.

(3) Rule 9B-43.0031, F.A.C. (Definitions, except the definition of "service area") and subsections 9B-43.0051(2), (3), (4) and (8), F.A.C. (Selected portions of Subgrant Administration and Project Implementation) will apply to CDBG disaster recovery funding. All other portions of Rule Chapter 9B-43, F.A.C., are waived.

(4) Service area. "Service area" is defined as the total geographical area to be served by an activity. A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by an activity.

(5) Interlocal Agreements. Eligible applicants proposing eligible activities in other eligible jurisdictions will enter into an Interlocal Agreement with the following provisions or submit documentation of an established relationship between eligible jurisdictions which includes the following provisions:

(a) Includes as parties all local governments whose jurisdictions are included in the project and/or service area(s);

(b) Authorizes the applicant to undertake the activities in all jurisdictions included in the interlocal agreement; and

(c) Affirms that all activities are consistent with each local government's comprehensive plan and provides applicable excerpts of each local government's comprehensive plan in the supporting documentation section of the application.

(6) Administrative Costs. The State's Action Plan will limit the amount of funds that local governments may use for the administrative costs specified in 24 CFR 570.206. This does not include staff and administrative costs directly related to carrying out activities eligible under 24 CFR 570 since those costs are eligible as part of those activities.

(7) Program Income. Any program income earned as a result of activities funded under a CDBG disaster recovery subgrant must be reported to the Department, but may be retained for the life of the subgrant by the local government and used to continue the activities from which the funds were generated. Contractual agreements will provide additional guidelines for utilization of program income funds.

(8) Other Funds. Applicants and/or beneficiaries must provide documentation of funds received from other sources which were applied toward the costs of the project funded by CDBG disaster recovery funds.

(9) Beneficiaries of Public Improvements. For activities where hookups or connections are required for beneficiary access to CDBG-funded infrastructure, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded infrastructure, no hookup or connection fees shall be charged to very-low, low or moderate-income

beneficiaries. Further, no portion of the project construction costs shall be charged to very-low, low or moderate-income beneficiaries.

(10) Amendments. All proposed subgrant agreement amendments must be approved by the Department.

(a) Documentation Required. All requests for amendments shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Official or their designee which describes the need for the proposed changes and their effect upon the approved project.

2. All application forms that would be changed by the proposed amendment.

3. If applicable, a revised activity work plan.

4. If applicable, a revised budget showing the current and amended budget.

5. If there is a change in activity location, a legible map which indicates the proposed change.

6. A copy of the minutes of the meeting at which the amendment was approved.

7. Signature of the Chief Elected Official on Form DCA 07.02, Request for Amendment, provided by the Department upon request, which is hereby incorporated by reference, or documentation from the local governing body authorizing the proposed amendment.

(b) The amendment must be received by the Department at least 45 days prior to the end of the subgrant agreement. If the amendment is extending the subgrant agreement period, it must be received by the Department at least 90 days prior to the end of the subgrant agreement.

(c) If the local government requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

(d) Time Extensions to Subgrant Agreements. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The local government must explain any delay affecting project completion and must justify the need for the extension.

(12) Subgrant Closeout.

(a) At the time of submission of the closeout report, the local government must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.

(b) An administrative closeout may be submitted only when the local government has no funds on hand. All funds drawn from the Department and not expended must be returned to the Department prior to, or with, the submission of the closeout.

(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement (including any amendments), the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, certifies that all costs except those reflected on the closeout have been paid and reports demographics of the program's beneficiaries.

(d) If any change has been made since the application map or the last map amendment, the closeout shall also contain a revised map of the activities completed during the term of the CDBG contract.

(e) When housing assistance is provided, the closeout must, at a minimum, include a list of the households assisted by the contract. Additional information required by HUD may be requested by the Department at any time.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:

1. The total number of persons in all households in the service area;

2. The number of low and moderate income persons in households connected to the infrastructure; and

3. Projects required to meet the LMI national objective must document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher or the percentage required by HUD at the time of the application.

(g) The closeout must contain original signatures. Facsimile (FAX) submissions are not acceptable.

(h) If a local government fails to meet contractual requirements on time, the Department reserves the right to require that a local government financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(i) All closeout documentation is due within 45 days after expiration or termination of the subgrant agreement.

Rulemaking Authority 290.048 FS. Law Implemented 290.043 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jacquelyn Dupree, Community Program Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas G. Pelham, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2010

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: RULE TITLE:

61E13-2.005 Contents of Application by a Pilot

PURPOSE AND EFFECT: The proposed rule change increases the threshold amount of consolidated or combined revenues, from \$250,000 to \$1,000,000, which requires an audited financial statement to be submitted in support of the application for a change of rates of pilotage. The proposed rule change also removes a reference to a Board of Accountancy Rule.

SUMMARY: The proposed rule change increases the threshold amount of consolidated or combined revenues, from \$250,000 to \$1,000,000, which requires an audited financial statement to be submitted in support of the application for a change of rates of pilotage. The proposed rule change also removes a reference to a Board of Accountancy Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 310.151(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61E13-2.005 Contents of Application by a Pilot.

Applications by a pilot for a change in rates of pilotage in order to be considered complete, shall include:

(1) A consolidated or combined financial statement of the pilot making application prepared in accordance with generally accepted accounting principles as defined in the Board of Accountancy Rule 61H1-20.007, F.A.C. Such financial statements shall be prepared as of the fiscal year ending closest

to the date on which the rate change application is filed and shall also include the financial condition and the results of operation for the preceding fiscal year. The financial statements shall include the consolidated or combined financial condition and the results of operations of all the entities owned or partially owned by the pilot which provides pilot-related services. The consolidated or combined financial statements shall be audited by an independent certified public accountant and shall include an unqualified opinion from that certified public accountant except where the consolidated or combined revenues of the applying pilot are less than \$1,000,000 ~~250,000~~, in which case, a compiled financial statement prepared in accordance with Statements on Standards for Accounting and Review Services promulgated by the American Institute of Certified Public Accountants ~~and adopted by the Florida Board of Accountancy in Rule 61H1-20.009, F.A.C.~~, shall be accepted. The financial statements shall include a supplemental schedule detailing all operating expenses.

(2) A schedule derived from the financial statements submitted indicating the average net income of pilots in the port area including the value of all benefits derived from service as a pilot. This schedule will also contain a comparison of the average net income using current rates to the projected average net income using the requested rates. The information for this shall be derived from the projected statements defined in subsection (8).

(3) A schedule indicating the pilotage rates in other ports if deemed relevant by the applicant.

(4) A schedule indicating the amount of time the applying pilot spends on actual piloting duty and the amount of time spent on other essential support services.

(5) A schedule of the prevailing compensation available to individuals in other maritime services of comparable professional skills, if deemed relevant by the applicant.

(6) Projected changes in vessel traffic for the next twenty-four months and the methodology used to reach the conclusions.

(7) A narrative explaining special characteristics, dangers, and risks of the particular port.

(8) Projected balances sheets, projected income statements, and projected statements of cash-flows for the next two fiscal years indicating the impact of the requested rates, projected changes in vessel traffic and projected expenses. This statement shall be prepared in accordance with the Guide for Prospective Financial Statements promulgated by the American Institute of Certified Public Accountants ~~and adopted by the Florida Board of Accountancy in Rule 61H1-20.0094, F.A.C.~~

(9) The application shall specify the rate change requested.

(10) A narrative statement justifying the requested change.

(11) Fee of \$150.

(12) A statement as to how the requested rate change will result in fair, just and reasonable rates taking into consideration the public interest in promoting and maintaining efficient, reliable and safe piloting services and further taking into consideration the factors set forth in subsection 310.151(5)(b), F.S.

Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151(2), (3) FS. History—New 8-8-95, Amended 10-14-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pilotage Rate Review Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pilotage Rate Review Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: 61E13-2.007 RULE TITLE: Processing of Application

PURPOSE AND EFFECT: The proposed rule change amends the procedures followed in processing an application to change or fix the rates of pilotage.

SUMMARY: The proposed rule amends the procedures followed in processing an application to change or fix the rates of pilotage.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 310.151 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61E13-2.007 Processing of Application.

To ~~ensure~~ ~~insure~~ adequate time for comment to be received from the general public as well as all persons affected by the proposed fixing or changing of pilotage rates, and to ~~ensure~~ ~~insure~~ adequate time for the Board to properly investigate and report on the facts supporting the change in rates, the following procedures are established.

(1) Every application to fix or change the rates of pilotage shall be submitted to the Board ~~with the original and seven (7) copies to expedite required distribution.~~ In addition, any person other than a pilot or group of pilots filing the application shall serve ~~by certified mail~~ a copy of the application on a licensed state pilot or group of licensed state pilots at the port in question.

~~(2) An application fee of \$150 must be submitted to the Board upon the filing of the application for a rate change.~~

~~(2)(3)~~ Upon receipt of the application, the staff of the Board shall promptly review the application for facial completeness and compliance with Rule 61E13-2.005 or 61E13-2.006, F.A.C., respectively. The Board staff shall promptly notify the applicant of any incomplete items. The time periods in the following paragraphs shall not begin to run until the application is facially complete. The application shall be deemed complete if the staff does not notify the applicant of any incompleteness within 30 days of receipt of the application. Upon a determination of facial completeness, the Board staff shall promptly notify every person who has previously requested receipt of notice of the filing of applications for a particular port and advise them that an application has been filed for the port by whom it was filed, and how a copy of the application may be obtained.

~~(3)(4)~~ Upon determination of facial completeness of the application by the Board staff, the Chairman of the Board, or the Vice Chairman in the event of his absence shall immediately appoint an investigation committee to consist of members of the Department staff to review, investigate and certify to the Board the information presented in the application. ~~The investigation committee shall conclude its investigation within 20 days of the publication of the notice referenced in subsection (5) below. In the event that additional time is requested by the investigation committee, the Chairman of the Board shall, for good cause, grant a reasonable extension up to five additional business days. Good cause shall include intervening holidays, unavoidable delays in receipt of information necessary for a proper investigation, or any other reason for which such an extension would be granted in a judicial proceeding. The investigation committee shall prepare a report of the investigation which shall be filed, no later than 10 days prior to the public hearing, with the Executive Director of the Board who shall immediately send a copy to each member of the Board as well as to any other person requesting a copy. Any changes or additions to the original application must be sent in the form of a revised application with seven (7)~~

~~copies, and must be received by the Board Office five (5) business days prior to the completion date of the investigation. The filing of a revised application begins the application process anew requiring the Board staff to review the revised application for completeness within 30 days as provided in subsection (2)(3).~~

(4)(5) Upon determination of completeness of the application, the Board’s Chairman or the Vice Chairman in the event of his absence shall schedule a public hearing on the application for the change in rates of pilotage. The Board shall provide notice in the next available issue of the Florida Administrative Weekly and in a newspaper of general circulation in the affected port area and by mailing such notice to each person or organization which has requested advance notice of hearings relating to rates of pilotage. The notice shall state that an application for a change in the rates of pilotage has been filed with the Board, state the affected port, contain a brief statement summarizing the requested change in rates of pilotage and state the time, date and place of the public hearing and site visit to the port to be conducted prior to the public hearing. The notice shall also include instructions for obtaining a copy of the application and a copy of the investigation committee’s report to the Board when it becomes available. The notice shall advise all interested parties that they may file an answer, an additional or alternative application, or any other applicable pleading or response, including all documentation in support thereof submitted within 30 days after the date of publication of the notice, and the notice shall specify the last date by which any such pleading must be filed. Such publication and mailing of notice shall occur at least fourteen ~~forty-five~~ days prior to the hearing. The Board, through its Chairman, shall, for good cause, extend the period for responses to a petition for up to five business days. Good cause shall include intervening holidays, unavoidable delays in receipt of information necessary for a proper response, or any other reason for which such an extension would be granted in a judicial proceeding.

(5)(6) The filing of an additional or alternative application by an interested party shall require that the application be considered for completeness, and upon such determination being made, shall be consolidated with the original pending application. The investigation and the public hearing proceeding shall not occur until that determination has been made and all pending applications are consolidated.

(6)(7) The Board shall conduct a visit of the port in question before the public hearing for the purpose of familiarizing itself with the port and the pilot station to assist the Board in analyzing the application.

~~(8) The Board shall conclude its investigation, conduct a public hearing, and determine whether to modify the existing rates of pilotage in that port within 60 days after the filing of~~

~~the completed application, except that the Board may not be required to complete a hearing for more than one port within any 60-day period.~~

(7)(9) The public hearings shall be held in the affected port area, unless a different location is agreed upon by all parties to the proceeding.

~~Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151 FS. History—New 8-8-95, Amended 10-14-97,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pilotage Rate Review Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pilotage Rate Review Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: 61E13-2.010 RULE TITLE: Notice of Intended Agency Action

PURPOSE AND EFFECT: The proposed rule amendment eliminates language that merely tracks existing statutory language. The proposed rule also requires publication of a Notice of Intent to modify rates of pilotage on the Department of Business and Professional Regulation’s website, and makes mandatory a requirement that a summary of the agency’s intended action, rather than the complete written order, be published.

SUMMARY: The proposed rule amendment eliminates language that merely tracks existing statutory language. The proposed rule also requires publication of a Notice of Intent to modify rates of pilotage on the Department of Business and Professional Regulation’s website, and makes mandatory a requirement that a summary of the agency’s intended action, rather than the complete written order, be published.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 310.151 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61E13-2.010 Notice of Intended Agency Action.

~~The written order expressing the notice of intended agency action shall be filed with the agency clerk of the Department. The applicant shall be given written notice by service of the written order of intended agency action, by certified mail. In addition, a copy of the written order shall be mailed to each person who has previously requested copies of such orders.~~ Notice of the intent to modify the pilotage rates in that port shall also be published in the next available Florida Administrative Weekly and in a newspaper of general circulation in the affected port area, on the Department of Business and Professional Regulation's website for 21 days, and shall be mailed to any person who has formally requested notice of any rate change in the affected port area. The published notice ~~shall~~ may be in the form of a summary of the intended agency action rather than the complete written order of intended agency action.

Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151, 120.57 FS. History--New 8-8-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pilotage Rate Review Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Pilotage Rate Review Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-19.0051 RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: To add language in compliance with new statutory requirements.

SUMMARY: The Board proposes to add language in compliance with new statutory requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.224 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.0051 Notice of Noncompliance.

(1)(a) through (c) No change.

(d) Failing to report a criminal conviction or plea of nolo contendere, regardless of adjudication, pursuant to Section 455.227(1)(t), F.S., if the conviction or plea occurred prior to July 1, 2009. This subsection shall remain in effect until July 1, 2012.

(2) No change.

Rulemaking Specific Authority 455.225 FS. Law Implemented 455.224 FS. History--New 4-2-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 20, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001 RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) No change.

(2) An applicant for trainee registration shall apply to the Department Form #DH-MQA 3005 (12/09 ~~11/08~~) "Clinical Laboratory Trainee" which is incorporated by reference herein copies of which, can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

(3) through (7) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2), (3), (4), 483.825 FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01, 3-24-02, 3-30-04, 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.008 Public Health Laboratory Personnel

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.812 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.008 Public Health Laboratory Personnel.

(1) through (3) No change.

(4) All applicants for licensure as a Public Health Laboratory Scientist shall apply to the Department on Form # DH-MQA 3001 (12/09 ~~11/08~~) "Applicant for Public Health Laboratory Scientist" which is incorporated by reference herein, copies of which can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.812 FS. History--New 5-26-98, Amended 4-20-04, 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-6.001 Manner of Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-6.001 Manner of Application.

(1) All applicants for licensure as a Clinical Laboratory Personnel Director, Supervisor, Technologist, or Technician shall apply to the Department on Form #DH-MQA 3000 (12/09 ~~11/08~~) "Application for Clinical Laboratory Personnel Director, Supervisor, Technologist, and Technician" which is incorporated by reference herein, copies of which can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>. The application must be accompanied by the appropriate application fee required by Rule 64B3-9.001, F.A.C.

(2) through (3) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History--New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00, 3-24-02, 4-13-04, 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-9.001	Application Fees
64B3-9.002	Initial Licensure Fees
64B3-9.004	Active Status Renewal Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the application fees.

SUMMARY: The fees for the applications will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.025, 456.036, 483.805(4), 483.807(1) FS.

LAW IMPLEMENTED: 456.025, 456.036, 483.807, 483.815 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-9.001 Application Fees.

- (1) No change.
- (2) Licensure application – ~~\$100~~.
 - (a) Director – \$90.
 - (b) Supervisor – \$70.
 - (c) Technologist – \$50.
 - (d) Technician – \$25.

(3) through (5) No change.

Rulemaking Specific Authority 456.025, 483.807(1) FS. Law Implemented 456.025, 483.807, 483.815 FS. History--New 12-7-93, Formerly 61F3-9.001, 59O-9.001, Amended 5-26-98, 5-13-99, 6-10-99, 3-9-00, 4-29-02, 9-15-05, _____.

64B3-9.002 Initial Licensure Fees.

- (1)(a) Director – \$65 For all clinical laboratory personnel licenses – ~~\$100~~.
 - (b) Supervisor – \$55.
 - (c) Technologists – \$45.
 - (d) Technician – \$25.
- (2) through (3) No change.

Rulemaking Specific Authority 456.025, 483.805(4), 483.807(1) FS. Law Implemented 456.025, 483.807 FS. History--New 12-7-93, Formerly 61F3-9.002, 59O-9.002, Amended 6-10-99, 4-7-02, _____.

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) Director – ~~\$130~~ 450.
- (2) Supervisor – ~~\$110~~ 130.
- (3) Technologist – ~~\$90~~ 110.
- (4) Technician – ~~\$50~~ 75.
- (5) through (6) No change.

Rulemaking Specific Authority 456.025(4), 456.036, 483.807(1) FS. Law Implemented 456.025(4), 456.036, 483.807 FS. History--New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02, 5-25-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-12.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the penalties for violations of the disciplinary guidelines.

SUMMARY: Penalties for violations of disciplinary guidelines will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-12.001 Disciplinary Guidelines.

- (1) No change.
- (2) No change.

(a) Section 483.825(1)(a) or 456.072(1)(h), F.S.: Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery – from a minimum fine of \$500 and/or up to two years of probation to a maximum of permanent revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or permanent revocation.

1. Fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of permanent revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and permanent revocation.

2. Error of the Department or the Board – from a minimum letter of concern and/or a \$500 fine up to a maximum of suspension for one year followed by two years of probation and a fine of \$5,000. For a second offense, from a minimum fine of \$3,000 to permanent revocation of license. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation.

(b) Section 483.825(1)(b), F.S.: Engaging in or attempting to engage in, or representing oneself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to the license – from a minimum fine of \$300 and/or one year of probation to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or permanent revocation, however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(c) Section 483.825(1)(c), F.S.: Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting – from a minimum fine of \$300 and/or two years probation to a maximum fine of \$5,000 and/or six months suspension. For a second offense, from a minimum fine of \$750 and one year of probation to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, a fine of \$10,000 and/or permanent revocation.

(d) Section 483.825(1)(d), F.S.: Performing a test and rendering a report thereon to a person not authorized by law to receive such services – from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$1,500 and one year of suspension. For a second offense, from a minimum fine of \$750 and six months of probation to a maximum fine of \$5,000 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation.

(e) Section 483.825(1)(e) or 456.072(1)(c), F.S.: Having been convicted of a crime relating to the practice or ability to practice or involving moral turpitude – from a minimum fine of \$500 and/or one year of probation to a maximum fine of \$6,000 and/or permanent revocation. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or permanent revocation.

(f) No change.

(g) Section 483.825(1)(g), 483.825(1)(w), 456.072(1)(b) or 456.072(1)(dd), F.S.

1. Violating or aiding and abetting in the violation of any provision of Chapter 456 or Chapter 483, Part III, F.S., or the rules adopted thereunder – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or permanent revocation. For a second offense, from a minimum fine of \$1,000 and/or six months of probation to a maximum fine of \$10,000 and/or permanent revocation. After the second offense, from a minimum fine of \$1,500 and/or one year of probation to a maximum fine of \$10,000 and/or permanent revocation.

2. Section 456.072(1)(e) or 456.072(1)(s), F.S.: In the case of noncompliance with a continuing education or HIV/AIDS or domestic violence course requirement, which is not a citation offense under Section 456.072(3), F.S., – from a minimum of suspension until the required continuing education hours are earned and/or a fine of \$500 up to a maximum fine of \$5,000 and/or permanent revocation.

(h) Section 483.825(1)(h), F.S.: Reporting a test result when no laboratory test was performed on a clinical specimen – fine of \$10,000 and/or permanent revocation.

(i) Section 483.825(1)(i) or 456.072(1)(m), F.S.: Knowingly advertising false services or credentials or making fraudulent misrepresentations or employing a trick or scheme – from six months of probation and a fine of \$10,000 per count or offense up to a maximum of one year suspension followed by two years of probation. After the first offense, from a minimum of two years of probation with a fine of \$10,000 per count or offense up to a maximum of permanent revocation and a \$10,000 fine per count or offense.

(j) No change.

(k) Section 483.825(1)(k), 456.072(1)(w) or 456.072(1)(x), F.S.: Failing to report to the Board in writing within 30 days of conviction, adjudication of incompetency, or if disciplinary action has been taken against one's license as clinical laboratory personnel in another state, territory or country – from a minimum fine of \$750 and/or a letter of concern up to a maximum fine of \$5,000 and/or three months suspension followed by probation. After the first offense, from a minimum fine of \$3,000 up to a maximum fine of \$10,000 and/or permanent revocation.

(l) Section 483.825(1)(l), 456.072(1)(aa) or 456.072(1)(z), F.S.: Being unable to perform or report clinical laboratory examination with reasonable skill and safety to patients by

reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition or testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using the drug – from a minimum referral for a PRN evaluation up to permanent revocation for non-compliance. After the first offense, from a minimum referral for a PRN evaluation up to maximum of permanent revocation and/or a \$3,000 fine.

(m) Section 483.825(1)(m), 456.072(1)(j) or 456.072(1)(p), F.S.: Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them or aiding unlicensed person to practice – from a minimum fine of \$800 and/or six months of probation up to a maximum fine of \$5,000 and three years suspension of license followed by up to 2 years probation. For a second offense, from a minimum fine of \$1,000 and one year of probation up to a maximum fine of \$7,500 and/or permanent revocation. After the second offense, from a minimum fine of \$2,000 and/or six months suspension followed by probation up to a maximum of permanent revocation and/or a fine of \$10,000.

(n) Section 483.825(1)(n) or 456.072(1)(q), F.S.: Violating an order or failing to comply with subpoena – from a minimum fine of \$500 and a reprimand up to a maximum fine of \$5,000 and/or three years suspension of license followed by a term of probation. For a second offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$10,000 and/or permanent revocation of license. After the second offense, from a minimum fine of \$5,000 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or permanent revocation of license.

(o) Section 483.825(1)(o) or 456.072(1)(i), F.S.: Failing to report a person in violation of Part III of Chapter 483, Chapter 456, F.S., or the applicable rules – from a minimum fine of \$800 and a letter of concern up to a maximum fine of \$2,000 and/or six months suspension followed by probation. After the second offense, from a minimum of six months probation and/or a fine of \$1,000 up to a maximum fine of \$10,000 and/or permanent revocation.

(p) Section 483.825(1)(p) or 456.072(1)(l), F.S.: Negligent filing of false report – from a minimum fine of \$500 and a letter of concern up to a maximum \$3,000 fine and/or up to three years of probation. For a second offense, from a minimum fine of \$1,500 and a reprimand to a maximum fine of \$10,000 and/or two years suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or permanent revocation.

(q) Section 483.825(1)(p), 456.072(1)(g), or 456.072(1)(l), F.S.: Willful filing of false report, impeding, or inducing another to file a false report – from a minimum fine of \$2,000 and/or suspension of license for three months followed by six months of probation up to a maximum fine of \$8,000 and/or permanent revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation; however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(r) Section 483.825(1)(q), F.S.: Paying or receiving a kickback, bonus, or split fee arrangement – from a minimum fine of \$1,000 and/or one year probation up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation.

(s) Section 483.825(1)(r) or 456.072(1)(n), F.S.: Exercising influence or exploitation for financial gain – from a minimum fine of \$1,000 and/or restitution of improper gains and six months of probation to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation.

(t) Section 483.825(1)(s) or 456.072(1)(o), F.S.: Practicing or offering to practice beyond the scope permitted or competent to perform – from a minimum fine of \$1,000 and/or one year of probation up to a maximum suspension of the license for two years followed by probation and a fine of \$8,000. After the first offense, up to a maximum fine of \$10,000 and/or permanent revocation.

(u) Section 483.825(1)(t) or 456.072(1)(a), F.S.: Misrepresenting or concealing a material fact or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of permanent revocation and a fine of \$10,000 per count or offense. After the first offense, from a fine of \$10,000 per count or offense as well as a minimum of one year of suspension followed by probation up to a maximum of permanent revocation.

(v) Section 483.825(1)(u) or 456.072(1)(r), F.S.: Improperly interfering with an investigation or disciplinary proceeding – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or permanent revocation. After the first offense, from a minimum fine of \$2,000 and two years of probation up to a maximum fine of \$10,000 and/or permanent revocation.

(w) Section 483.825(1)(v) or 456.072(1)(v), F.S.: Engaging or attempting to engage in sexual misconduct – from a minimum reprimand and/or referral for PRN evaluation up to a maximum fine of \$10,000 and/or permanent revocation.

After the first offense, from a minimum year of probation and fine of \$1,500 to a maximum fine of \$10,000 and/or permanent revocation.

(x) Section 456.072(1)(k), F.S.: Failing to perform any legal obligation – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or permanent revocation. After the first offense, from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or permanent revocation.

(y) Section 456.072(1)(hh), F.S.: Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant, as described in Section 456.076, F.S., for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol treatment program – from a minimum fine of \$500 to \$1000 and suspension until compliant up to permanent revocation.

(z) Section (zz) Section 456.072(1)(ii), F.S. for being convicted of or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to Medicaid program- from a minimum of permanent revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(aa) Section 456.072(1)(jj), F.S., for failing to remit the sum owed to state for an overpayment from Medicaid program pursuant to a final order, judgment, or stipulation or settlement – from a minimum of a letter of concern to probation and a fine of \$500 to a maximum of a reprimand to permanent revocation and fine of \$2,500 for a first offense. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

(bb) Section 456.072(1)(kk), F.S., for being terminated from the state Medicaid program pursuant to s. 409.913, any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored - from a minimum of letter of concern and \$1,000 fine to maximum of reprimand to permanent revocation and \$5,000 fine. After the first offense, from a minimum of suspension and \$5,000 fine to maximum of permanent revocation and \$10,000 fine.

(cc) Section 456.072(1)(ll), F.S., for being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud - permanent revocation or denial of license (minimum and maximum same).

(3) through (6) No change.

Rulemaking Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825 FS. History—New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98, 10-6-02, 2-23-06, 3-20-08, 11-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.003
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this rule change is to bring the rule into compliance with the mandates of SB 1986.

SUMMARY: The proposed rule change updates the disciplinary guidelines for licensed dietitian and nutrition counselors, and licensed applicants in accordance with the mandates of SB 1986.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared. The rule amendments would impose an impact to small businesses depending on the severity of the penalties imposed by the Board of Medicine.

Penalties which restrict or terminate the licensees’ ability to work in a private practice will have an impact on small businesses.

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

RULEMAKING AUTHORITY: 456.072(1)(t), 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.072(1)(t), 456.079, 468.517, 468.518(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.003 Disciplinary Guidelines.

(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) Violating Practice Act or Board or Department Rules. (468.518(1)(a), F.S.)

(b) Inability to practice with skill and safety. (468.518(1)(b), F.S.)

RECOMMENDED RANGE OF PENALTY

(a)1. From a minimum of six months’ probation to revocation or denial of licensure, and an administrative fine from \$150.00 to \$1000.00, depending on the seriousness of the underlying offense and the magnitude of the violation.

(a)2. After the first offense, a minimum of one year probation to revocation or denial of licensure, and an administrative fine from \$200.00 to \$1,000.00, depending on the seriousness of the underlying offense and the magnitude of the violation.

(b) From submission to a mental or physical examination directed towards the problem, one year probation with conditions, possible referral to the PRN to revocation or

- denial, and an administrative fine from \$100.00 to \$1000.00.
- (c) Attempting to procure a license by bribery, fraud, or misrepresentation or through error of the department or the council.
(468.518(1)(c), 456.072(1)(h), F.S.)
 - (c)1. Attempting to obtain an initial license by bribery or fraud.
 - (c)2. Attempting to renew a license by bribery or fraud.
 - (c)3. Obtaining or renewing a license by fraud.
 - (c)4. Obtaining or renewing a license through error of the department or the council.
 - (c)5. Obtaining or renewing a license through negligent misrepresentation.
 - (d) Action taken against license by another jurisdiction.
(468.518(1)(d), F.S.)
 - (e) Conviction of a crime relating to the practice.
(468.518(1)(e), F.S.)
 - (f) Filing a false report or failing to file a report as required.
(468.518(1)(f), F.S.)
- (c)1. Denial of application and \$10,000 fine.
 - (c)2. For the first offense, from revocation of the license with ability to reapply upon payment of a \$10,000 fine to permanent revocation. After the first offense, permanent revocation and a \$10,000 fine.
 - (c)3. For the first offense, from revocation of the license with ability to reapply upon payment of a \$10,000 fine to permanent revocation. After the first offense, permanent revocation and a \$10,000 fine. Revocation.
 - (c)4. For the first offense, from a \$300 fine and 3 hours of continuing education on ethics to suspension and a reprimand and a \$1,000 administrative fine. After the first offense, from suspension and a reprimand and a \$3,000 fine to revocation or denial of application.
 - (d) From imposition of discipline comparable to that which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$100.00 to \$1000.00. Evaluations shall be required to determine the need for referral to PRN.
 - (e)1. From a one year probation with conditions to revocation or denial of the license and an administrative fine ranging from \$100.00 to \$1000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.
 - (e)2. After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$250.00 to \$1,000.00. Any Board ordered probation shall be for no less time than Court ordered sanctions.

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| <p>(f)1. Negligently filing a false report or failing to file a report as required.</p> | <p>(f)1. For the first offense, from a letter of concern or denial of application to one (1) year probation and an administrative fine from \$300 to \$1,500. After the first offense, from one (1) year probation to revocation, and an administrative fine from \$1,500 to \$3,000.</p> |
| <p>(f)2. Fraudulently filing a false report or failing to file a report as required.</p> | <p>(f)2. For the first offense, from one (1) year probation to revocation or denial of application, and a \$10,000 fine. After the first offense, from suspension to revocation and a \$10,000 fine.</p> |
| <p>(g) False, deceptive, or misleading advertising.
(468.518(1)(g), F.S.)</p> | |
| <p>(g)1. Negligent false, deceptive or misleading advertising.</p> | <p>(g)1. For the first offense, from a letter of concern to one (1) year suspension or denial of application, and an administrative fine from \$300 to \$1,500. After the first offense, from reprimand to up to one (1) year suspension or denial of application, and an administrative fine from \$1,500 to \$3,000.</p> |
| <p>(g)2. Fraudulent false, deceptive or misleading advertising.</p> | <p>(g)2. For the first offense, from reprimand to up to one (1) year suspension or denial of application, and an administrative fine of \$10,000. After the first offense, from suspension up to revocation and a fine of \$10,000.</p> |
| <p>(h) Committing fraud in the practice.
(468.518(1)(h), F.S.)</p> | <p>(h)1. From one year probation with conditions to revocation or denial of licensure and an administrative fine of \$10,000.</p> <p>(h)2. After the first offense, from one year suspension followed by probation with conditions to revocation or denial of licensure, and an administrative fine of \$10,000.</p> |
| <p>(i) Practicing on delinquent, revoked, suspended, or inactive license.
(468.518(1)(i), F.S.)</p> | <p>(i)1. From a \$250.00 administrative fine to revocation.</p> <p>(i)2. After the first offense, from a \$750.00 administrative fine to revocation.</p> |
| <p>(j) Treating ailments by means other than dietetics and nutrition practice.
of (468.518(1)(j), F.S.)</p> | <p>(j)1. From one year suspension followed by at least one year probation with conditions to revocation or denial licensure, and an administrative fine from \$250 to \$1000.00.</p> <p>(j)2. For a second offense, two years suspension followed by at least one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$400.00 to \$1,000.00.</p> <p>(j)3. For a third offense, revocation or denial of licensure and an administrative fine from \$800.00 to \$1,000.00.</p> |
| <p>(k) Failure to maintain acceptable standards of practice.
(468.518(1)(k), F.S.)</p> | <p>(k)1. From one year probation with conditions to revocation or denial of a license,</p> |

- (l) Kickbacks or split fee arrangements. (468.518(1)(l), F.S.)
 - (k)2. and an administrative fine from \$100.00 to \$1000.00.
 - (l)1. After the first offense, a minimum of one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$350.00 to \$1,000.00.
 - (l)2. From six months suspension followed by one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$250.00 to \$1000.00.
 - (m) Advertising any experimental assessment or treatment. (468.518(1)(m), F.S.)
 - (l)2. After the first offense, from one year suspension followed by two years of probation with conditions to revocation or denial of licensure, and an administrative fine from \$350.00 to \$1,000.00.
 - (m)1. From suspension to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1000.00.
 - (m)2. For a second offense, revocation or denial of licensure, and an administrative fine from \$750.00 to \$1000.00.
 - (n) Failure to keep written medical records. (Rule 64B8-44.004, F.A.C.)
 - (n)1. From probation with conditions to denial or one year suspension followed by a minimum of one year probation with conditions and an administrative fine from \$100.00 to \$1000.00.
 - (n)2. After the first offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of a license, and an administrative fine from \$400.00 to \$1,000.00.
 - (o) Sexual misconduct. (456.063, 456.072(1)(u), F.S.)
 - (o)1. From one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$500.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.
 - (o)2. For a second offense, from one year suspension followed by a minimum of one year probation with conditions to revocation or denial of licensure, and an administrative fine from \$800.00 to \$1,000.00. Evaluations shall be required to determine the need for referral to PRN.
 - (o)3. After the second offense, revocation of license and a fine of \$1,000.00.
 - (p) Failing to report in writing within 30 days after the licensee has been convicted
 - (p)1. From a \$100.00 administrative fine to revocation or denial of a license.

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| <p>or found guilty of, or has entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (455.624(1)(w), F.S.)</p> | <p>(p)2.</p> | <p>After the first offense, from a \$250.00 administrative fine to revocation or denial of a license.</p> |
| <p>(q) Testing positive for drugs on employment drug screening. (456.072(1)(z), F.S.)</p> | <p>(q)</p> | <p>From submission to a mental or physical examination directed towards the problem and one year probation with conditions, to revocation or denial, and administrative fine from \$100.00 to \$1,000.00.</p> |
| <p>(r) Being terminated from or failing to successfully complete an impaired practitioners treatment program.</p> | <p>(r)</p> | <p>First offense Minimum stayed suspension and probation for a period of one (1) year with a fine of \$500.00 to a maximum of suspension or denial of license until successful completion or receipt of a written confirmation from the program that further treatment is neither required nor indicated followed by a one (1) year probation and a fine of \$1,500.00.
Subsequent offenses Minimum suspension for three (3) years or until licensee is able to demonstrate to the Board the ability to practice with reasonable skill and safety, whichever is longer and a fine of \$1,000.00 to a maximum of revocation or denial of license and a \$3,000.00 fine.</p> |
| <p>(s) Performing or attempting to perform health care services on the wrong patient, a wrong procedure, an unauthorized procedure, or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. (456.072(1)(aa), F.S.)</p> | <p>(s)</p> | <p>For the first offense, from 1 year probation with conditions and a \$1,000 fine to 1 year suspension, 2 years probation and a \$5,000 fine. For the second offense, from 1 year suspension, 2 years probation with conditions and a \$5,000 fine to revocation and a \$10,000 fine.</p> |
| <p>(t) Failure to notify patients of practioner's license type or failure to identify license type in advertisement that names a practioner. (456.072(1)(t), F.S.)</p> | <p>(t)</p> | <p>First offense from letter of concern to 1 year suspension and an administrative fine of \$300 to \$1,500. After first offense from reprimand to 3 year suspension and an administrative fine of \$1,500 to \$3,000.</p> |
| <p>(u) <u>Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.</u> (456.072(1)(ii), F.S.)</p> | <p>(u)</p> | <p><u>Revocation or non-renewal or denial of the initial license and a fine of \$10,000.</u></p> |
| <p>(v) <u>Failing to remit the sum owed to the State for an overpayment from the Medicaid Program pursuant to a final order, judgment, or Stipulation or settlement.</u> (456.072(1)(jj), F.S.)</p> | <p>(v)</p> | <p><u>For the first offense, one year of probation, with conditions and a \$2,500 fine. For the second offense, one year of suspension and a \$5,000 fine.</u></p> |
| <p>(w) <u>Being terminated from the state Medicaid Program pursuant to s. 409.913, any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was terminated has been restored.</u> (456.072(1)(kk), F.S.)</p> | <p>(w)</p> | <p><u>Revocation or non-renewal or denial of the initial license and a fine of \$10,000.</u></p> |

(x) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony. Regardless of adjudication, a crime in any jurisdiction Which related to health care fraud.
(456.072(1)(l), F.S.)

(x) Revocation or non-renewal or denial of the initial license and a fine of \$10,000.

(5) through (7) No change.

Rulemaking Specific Authority 456.072(1)(t), 456.079, 458.309, 468.507 FS. Law Implemented 456.072(1)(t), 456.079, 468.517, 468.518(2) FS. History—New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98, 8-19-99, 9-28-00, 9-26-01, 2-13-03, 4-10-06, 1-8-07,

64B32-5.001 Disciplinary Guidelines.

(1) The Board may impose disciplinary penalties upon a determination that an applicant or licensee:

(a) No change.

(b) Has violated any provision of Chapter 456, F.S., or any rules promulgated thereunder;

1. Section 456.0635, F.S., outlines specific offenses for which the Board is prohibited from issuing or renewing a license, certificate, or registration to any applicant if the candidate has been convicted of, pled nolo contendere, or guilty to, regardless of adjudication, a felony under Chapter 409, Chapter 817, Chapter 893, 21 U.S.C. ss. 801-970, or 42 U.S.C. ss 1395-1396, unless the sentence and any subsequent period of probation for such conviction or pleas ended more than 15 years prior to the date of the application.

(c) through (d) No change.

(2) The range of disciplinary penalties which the Board may impose includes any and all set forth in Section 456.072, F.S., unless the conduct to be disciplined falls within the purview of Section 456.0635, F.S., in which case the Board shall impose the penalty specified in Section 456.0635, F.S. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following factors:

(a) through (i) No change.

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations as set forth below. The mitigating or aggravating circumstances used to justify any deviation from the specified guidelines must be enunciated in the final order. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of the investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Council
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to update and clarify disciplinary guidelines and penalties.

SUMMARY: The rule amendment will add new language to update and clarify disciplinary guidelines and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that small businesses would not be affected by this rule. However, a Statement of Estimated Regulatory Cost was prepared for review.

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

RULEMAKING AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

VIOLATION

(a) through (ff) No change.

(gg) Any felony offense classified under Chapter 409, 817, 893, F.S., or 21 U.S.C ss. 801-970, or 42 U.S.C. ss. 1395-1396. (456.0635, F.S.) Any Offense

(hh) Terminated for cause from the Florida Medicaid program pursuant to Section 409.913, F.S. Any Offense

(ii) Terminated for cause, pursuant to the appeals procedures established by the state or Federal Government, from any other state Medicaid program or the Federal Medicare program Any Offense

(4) through (6) No change.

Rulemaking Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History--New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05, 2-23-06, 3-29-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2010

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the requirements for continuing education requirements.

SUMMARY: The rule amendment will modify the requirements for continuing education requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that small businesses would not be affected by this rule. However, a Statement of Estimated Regulatory Cost was prepared for review.

RECOMMENDED RANGE OF PENALTY

The board is prohibited from issuing or renewing a license, certificate, or registration, unless the sentence and any subsequent period of probation for such conviction or plea ended more than 15 years prior to the date of the application. The board is prohibited from issuing or renewing a license, certificate, or registration, unless the applicant has been in good standing with the Florida Medicaid program for the most recent 5 years.

The board is prohibited from issuing or renewing a license, certificate, or registration, unless the applicant has been in good standing with a state Medicaid program or the Federal Medicare program for the most recent 5 years and the termination occurred at least 20 years prior to the date of the application.

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

RULEMAKING AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) through (2) No change.

(3) Those persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the Medical Errors course and HIV/AIDS course pursuant to subsection (5) of this rule and Section 456.033, F.S., for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) No change.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

(a) No change.	
(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)	Mandatory for all licensees: No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.

(c) through (d) No change.
 (6) No change.

Rulemaking Authority 456.013(8), 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05, 10-28-07, 5-15-08, 8-4-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Respiratory Care Specialists
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 18, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.011
 RULE TITLE: Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

PURPOSE AND EFFECT: This rule section is being revised in response to a comment and possible objection received from the Joint Administrative Procedures Committee concerning a “written agreement” requirement in paragraph (1)(j) of the rule section. The written agreement determines the manner and under what conditions undispensed medications would be returned to the Department by community pharmacies who received the medications under the authority of the “emergency medical reasons” exemption from the definition of wholesale distribution in Section 499.003(53), F.S.

SUMMARY: This rule deletes the “written agreement” provision for determining the manner and under what conditions returns of un-dispensed prescription drugs will be returned to the Department by a community pharmacy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes will not impact small businesses, small counties, or small cities. There should be no transactional costs for any individual or entity related to this rule revision. There is no change to any fees, costs, monitoring or reporting currently required.

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

RULEMAKING AUTHORITY: 499.003(53)(b), 499.012, 499.03, 499.05 FS.

LAW IMPLEMENTED: 499.003(53)(b), 499.012, 499.03, 499.05 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, R. Ph., Director, Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.011 Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized.

(1) The exemption from the definition of wholesale distribution in Section 499.003(53)(b)2., F.S., for “emergency medical reasons” includes:

- (a) through (i) No change.
- (j) Transfers of prescription drugs by or on behalf of the

Department of Health to a community pharmacy authorized to purchase prescription drugs, for dispensing to persons in need of emergency medical services, including controlling communicable diseases or providing protection from unsafe conditions that pose an imminent threat to public health; ~~provided that the community pharmacy returns un-dispensed prescription drugs in a manner and under the conditions specified in a written agreement with the Department of Health.~~

- (2) through (4) No change.

Rulemaking 499.003 (53) (b), 499.012, 499.03, 499.05 FS. Law Implemented 499.003 (53) (b), 499.012, 499.03, 499.05 FS. History—New 7-1-96, Formerly 10D-45.0525, Amended 1-26-99, 4-17-01, 1-1-04, 10-4-07, 12-13-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston, R.Ph

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 9, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 9, 2009

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE NO.: 64H-1.002
 RULE TITLE: Biomedical Research Grant Applications

PURPOSE AND EFFECT: The purpose of this rule is to provide information to apply for a Biomedical Research Grant, pursuant to the provisions of Sections 215.5602 and 381.922, Florida Statutes.

SUMMARY: This rule provides information on how to apply for grant funding through the James & Esther King Biomedical Research Program and the Bankhead-Coley Cancer Research Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602(5), 381.922(3)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Phillips, Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Mail Bin #A24, Tallahassee, FL 32399, (850)245-4585

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-1.002 Biomedical Research Grant Applications.

(1) Grant Applications.

(a) The Florida Department of Health (Department) will accept grant applications for research initiatives into the prevention, diagnosis, treatment, and cure of tobacco-related diseases to be funded by the James and Esther King Biomedical Research Program (Program) and for research initiatives into the prevention, diagnosis, treatment, and cure of cancer to be funded by the Bankhead-Coley Cancer Research Program (Program) in response to Calls for Grant Applications (Calls).

(b) The Calls will be announced and available at the Program's website (www.floridabiomed.com) and applications will be submitted through a web-based electronic system in a format determined by the Department.

(c) The Department may modify the format and content requirements for the Calls at any time. Notice of the modification will be announced at the Program's website.

(d) Applicants shall not initiate contact with Biomedical Research Advisory Council members regarding the status, substance, or preparation of a grant application.

(2) Conflicts of Interest.

(a) Biomedical Research Advisory Council members are prohibited from attempting to use their council position to influence a decision to recommend an award or contract to the entities or persons with which the council member has a conflict of interest as defined in Section 112.312(8), Florida Statute.

(b) Nothing in this rule prohibits the Department or the Biomedical Research Advisory Council from adopting additional standards and reporting requirements relating to prohibited conflicts of interest that may be more rigorous than set forth in Florida Statute. Council members must comply with additional standards upon adoption.

(3) Peer Review Process.

(a) The Department will endeavor to ensure that projects representing the best science are funded. This will be accomplished through a rigorous scientific peer review process of grant applications in coordination with the Biomedical Research Advisory Council and the State Surgeon General.

(b) Scientific peer reviewers will be located outside of Florida, must disclose all conflicts of interest, and will receive an honorarium.

(c) In addition to scientific merit scores, peer reviewers will assign a tobacco-relatedness score for the James and Esther King Biomedical Research Program and a cancer-relatedness score for the Bankhead-Coley Cancer Research Program. To the extent possible, priority for funding grant applications will be given to proposals with better relatedness scores.

(4) Grant Terms and Conditions.

(a) Grant recipients must sign a Grant Terms and Conditions document. A sample document is included with each Call.

(b) Grant recipients are under a continuing obligation to notify the Program of any adverse conditions that materially impact milestones and objectives included in the research proposal and Grant Terms and Conditions.

(c) Grant funds may not be used for purposes other than those for which the grant was awarded.

(5) Termination of Grants.

(a) The Program may terminate grants prior to the expiration of the terms and conditions.

(b) The Program will notify the grant recipient in writing of the intent to terminate funding.

Rulemaking Authority 215.5602(9) FS. Law Implemented 215.5602(5), 381.922(3)(a) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Phillips
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 5, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 8, 2010

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.:	RULE TITLES:
64V-1.022	Appointment of Local Registrars
64V-1.023	Appointment of Deputy Registrars
64V-1.024	Appointment of Subregistrars
64V-1.025	Duties of Local Registrar for Transmittal of Records or Report of No Records

PURPOSE AND EFFECT: The purpose and effect of these rules is to incorporate forms used in the appointment of registrars and for the submission of vital records.

SUMMARY: These rules are to ensure compliance with requirements of Section 382.003(10), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 382.003(10), 382.005 FS.

LAW IMPLEMENTED: 382.003, 382.005, 382.006, 382.007, 382.008, 382.013 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kevin Wright, Operations Manager, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, telephone (904)359-6900, ext. 1004. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Wright, Operations Manager, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, telephone (904)359-6900, ext. 1004

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.022 Appointment of Local Registrars.

Upon appointment of a local registrar of vital statistics for the registration district in the state by the Office of Vital Statistics, a Local Registrar's Acceptance, DH 1233B, Oct 2009, hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be issued.

Rulemaking Authority 382.003(10) FS. Law Implemented 382.003(5) FS. History–New _____.

64V-1.023 Appointment of Deputy Registrars.

Each local registrar, immediately upon appointment, shall designate one or more deputy registrars. Upon appointment, the Office of Vital Statistics shall issue a Chief Deputy Registrar's Acceptance, DH 1233, Oct 2009 or a Deputy Registrar's Acceptance, DH 1233A, Oct 2009, both hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 which authorizes the deputy registrars to act on behalf of the local registrar.

Rulemaking Authority 382.003(10) FS. Law Implemented 382.005(4) FS. History–New _____.

64V-1.024 Appointment of Subregistrars.

The Office of Vital Statistics shall appoint suitable persons to act as subregistrars, who shall be authorized to receive death certificates and fetal death certificates and to issue burial permits. An Application for Appointment of Subregistrar of Vital Statistics, DH 1233C, Oct 2009, hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 shall be submitted to the Office of Vital Statistics for approval.

Rulemaking Authority 382.003(10) FS. Law Implemented 382.003(9), 382.006, 382.007, 382.008 FS. History–New _____.

64V-1.025 Duties of Local Registrar for Transmittal of Records or Report of No Records.

Each local registrar or designee shall transmit to the department all original certificates registered or if no births, deaths, or fetal deaths occurred in any month, the local registrar or deputy shall report that fact to the department on a Birth Record Transmittal Report, DH 758A, July 2009, a Fetal Death Record Transmittal Report, DH 758B, Sept 2008 or a Death Record Transmittal Report, DH 758C, Sept 2008, all three forms hereby incorporated by reference and available from the Florida Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042.

Rulemaking Authority 382.003(10) FS. Law Implemented 382.005(3), 382.013 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin Wright, Operations Manager, State Office of Vital Statistics

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana M. Viamonte Ros, M. D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.303
RULE TITLE: Assets

PURPOSE AND EFFECT: The proposed rule amendment amends vehicle language and includes technical changes of a non-substantive nature.

SUMMARY: The proposed rule allows for the exclusion of all vehicles as a resource for the Food Stamp Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 414.075 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 15, 2010, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.303 Assets.

(1) through (3) No change.

~~(4) Vehicles. The determination of whether a vehicle is an asset for food stamps and/or cash assistance purposes depends on the use of the vehicle, whether the vehicle is licensed or unlicensed, and the vehicle's equity value. The determination must be made in accordance with Section 414.075, F.S., and 7 CFR 273.8.~~

Rulemaking Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 414.075 FS. History–New 4-9-92, Amended 9-19-94, Formerly 10C-1.303, Amended 8-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.: 65G-4.014
RULE TITLES: Eligibility for Agency Services – Definitions
65G-4.015 Eligibility Criteria
65G-4.016 Application Process
65G-4.017 Establishing Eligibility

PURPOSE AND EFFECT: Establish the process and criteria for eligibility for services provided to persons with developmental disabilities by the Agency.

SUMMARY: Defines qualifying conditions, defines the application process and establishes objective standards for eligibility

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 393.065, 393.501, 393.063 FS.

LAW IMPLEMENTED: 393.065 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Terri McGarrity, (850)414-7452 or SC 994-7452. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri McGarrity, Sr. Management Analyst Supervisor, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)414-7452 or SC 994-7452

THE FULL TEXT OF THE PROPOSED RULES IS:

65G-4.014 Eligibility for Agency Services – Definitions.

(1) Autism – As used in this rule for eligibility for services from Agency for Persons with Disabilities (Agency), autism is limited to the definition of autistic disorder as described in the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association (DSM IV). While characteristics of autism occur on a spectrum, autism in this rule refers only to autistic disorder as defined in the DSM IV. Autistic disorder refers to qualitative impairments in social interaction, qualitative impairments in communication and restricted repetitive and stereotyped patterns of behavior, interests and activities and delays or abnormal functioning of one of the following with onset prior to age 3:

- (a) Social interaction,
- (b) Language as used in social communication, or
- (c) Symbolic of imaginative play.

(2) Cerebral Palsy – means a group of disabling symptoms of extended duration that result from damage to the developing brain during the prenatal period and characterized by paralysis, spasticity, or abnormal control of movement or posture, such as poor coordination or lack of balance, which is manifest prior to three years of age. For purposes of the rule, cerebral palsy also means the presence of other significant motor dysfunction appearing prior to age 18 due to perinatal or external events such as anoxia, oxygen deprivation, or traumatic brain injury. Excluded from this definition are motor dysfunction caused by medical events, including stroke or progressive diseases, such as muscular dystrophy.

(3) Mental Retardation or Intellectual Disability – means (a) significantly sub average general intellectual functioning; an Intelligence Quotient (IQ) of 70 or below on an individually administered IQ or for infants and young children, and a clinical judgment of significantly sub average intellectual functioning, existing concurrently with paragraph (b) deficits in adaptive functioning in at least two of the five following areas – communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health and safety, which are paragraph (c) manifested prior to age 18.

(4) Prader-Willi Syndrome – means a non-inherited, genetic syndrome which is most often associated with a random deletion of chromosome 15. Commonly associated characteristics include diminished fetal activity, insatiable appetite and chronic overeating. Individuals diagnosed with Prader-Willi Syndrome generally have mental retardation;

however, an individual with Prader-Willi syndrome can be determined as eligible for AGENCY without an accompanying diagnosis of mental retardation.

(5) Spina Bifida – for the purposes of Agency eligibility, spina bifida refers to a confirmed diagnosis of spina bifida cystica or myelomeningocele.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New _____.

65G-4.015 Eligibility Criteria.

(1) In order to be determined eligible for Agency services the applicant must:

(a) Be at least three years of age.

(b) Be a resident of and domiciled in the state of Florida in accordance with Sections 222.17(1) and (2), F.S. Domicile may not be established in Florida by a minor who has no parent domiciled in Florida, or by a minor who has no legal guardian domiciled in Florida, or by any alien not classified as a resident alien. Dependents of active duty military personnel stationed in the state of Florida are exempt from residency and domicile requirements.

(c) Have a confirmed diagnosis of one of the following developmental disabilities as defined in this rule: autism, cerebral palsy, mental retardation, Prader-Willi Syndrome, Spina Bifida, or children between 3 and 5 years of age who are at high risk of later diagnosis of one of these disabilities. Such high risk children shall not be placed on the waiting list for waiver services until a confirmed diagnosis of a qualifying disability is given.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New _____.

65G-4.016 Application Process.

(1) Application for services from the Agency shall be made, by submitting an application by hand delivery, U.S. Mail or facsimile, to the Agency service area where the applicant resides. The application for services is available on the Agency website at www.APD.myflorida.com or by contacting the Agency.

(2) Upon receipt of a completed, signed and dated Application for Services, the area Agency staff shall review the application and supporting documentation and within 45 days for children under the age of 6, and 60 days for individuals 6 years of age and older, shall notify the applicant of the final determination of eligibility for Agency services. If requests for collateral information or additional evaluations are necessary to determine eligibility, the time may be extended for no more than an additional ninety (90) days.

(3) If an applicant is unable to produce an existing evaluation that establishes eligibility or if there is concern that the information provided is inaccurate, incorrect or incomplete, the Agency area office will be responsible for obtaining an evaluation to establish eligibility. The evaluation process

includes only those assessments necessary to determine eligibility that were administered by a person qualified to administer the instrument(s).

(4) When the eligibility determination is complete, the Agency Area Office shall notify the applicant, in writing, within five (5) business days of the decision. If the applicant is determined ineligible for Agency services, the Agency Area Office shall notify the applicant of the right to appeal the decision in accordance with Chapter 120, F.S.

(5) If the applicant is determined to be ineligible to receive services from the Agency, the Agency Area Office shall offer suggestions regarding other programs, agencies or services for which the applicant may be eligible.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History—New _____.

65G-4.017 Establishing Eligibility.

(1) Establishing Eligibility – Autism. A diagnosis of autism, as defined by this rule, may only be made by one or more of the following who has specific training and experience in making such diagnoses:

(a) A Florida-licensed psychiatrist.

(b) A Florida-licensed psychologist.

(c) A board certified pediatric neurologist who is qualified by training and experience to make a diagnosis of autism.

(d) A board certified developmental pediatrician.

(e) If the diagnosis of autism is not clear, an instrument such as the Autism Diagnostic Observation Schedule (ADOS) or the Autism Diagnostic Interview – Revised (ADI-R) may be administered by a qualified psychologist or psychiatrist with experience and training in use of the tool administered to confirm the diagnosis.

(f) Collateral information received from another state may be accepted if the evaluator is licensed through the same credentials required for licensure in Florida for the professions listed in paragraph (1)(a) above.

(2) Establishing Eligibility – Cerebral Palsy. Diagnosis is confirmed by written documentation from one or more of the following:

(a) A medical doctor;

(b) A doctor of osteopathy; or

(c) Medical records documenting a diagnosis of cerebral palsy before the age of 18.

(3) Establishing Eligibility – Mental Retardation. There are two requirements for establishing that an individual has mental retardation:

(a) The first requirement is that the individual's performance is measured at two or more standard deviations below the mean on a currently used version of a standardized, normed and individually administered assessment of

intelligence at the time of the assessment. The assessment administered must have been the version of the assessment that was accepted at the time of evaluation.

(b) When there are several assessments that have been conducted with varying I.Q.s, the Agency may rely on patterns or clusters of scores and shall reject those scores that appear to be significantly lower or higher than the average of the other scores. A single subtest should not be used alone to determine eligibility when multiple test results are available. If a person has significantly different (statistically defined) scores on different scales of a test or tests, or a great deal of variability on subtest scores of an IQ test, the full-scale score may not indicate mental retardation and should not be relied on as a valid score. In that instance, closer scrutiny is required to make an appropriate differential diagnosis. This may include review of school records, school placement, achievement scores, behavior during testing and the psychosocial situation at the time of testing. Closer scrutiny must also be required when there is a great deal of variability between IQ scores on different IQ tests or different administrations of the same IQ test.

(c) The second requirement is that the individual has a documented deficit in adaptive functioning. Mental retardation is indicated if there are significant deficits in adaptive functioning (usually 2 or more standard deviations below the mean in at least two areas.) in areas such as ability to meet self-care needs, understanding and use language and self-direction.

(d) The performance measures for this category of adaptive functioning deficits must be validated by the professional judgment of a psychologist who is experienced in working with people who have retardation, who has specific training and validation in the assessment instrument that is used, and who is either:

(i) A Florida-licensed psychologist.

(ii) A Florida-licensed school psychologist.

(iii) A certified school psychologist.

(e) Accepted standardized tests of intelligence to establish eligibility for mental retardation are:

(i) Stanford-Binet Intelligence Test (all ages).

(ii) Wechsler Preschool and Primary Scale of Intelligence (under six years of age).

(iii) Differential Ability Scales – Preschool Edition (under six years of age).

(iv) Wechsler Intelligence Scale for Children (WISC) (children up to fifteen years, eleven months).

(v) Differential Ability Scales (children up to fifteen years, eleven months).

(vi) Wechsler Adult Intelligence Scale (WAIS).

(vii) Test of Nonverbal Intelligence-3 (TONI-3).

(viii) Comprehensive Test of Nonverbal Intelligence-2 (C-TONI 2).

(ix) Universal Nonverbal Intelligence Test (UNIT).

(x) Leiter International Performance Scale-Revised (Leiter-R).

(f) The following are Tests of Adaptive Functioning accepted in the determination:

(i) Vineland Adaptive Behavior Scales,

(ii) AAMR Adaptive Behavior Scale,

(iii) Adaptive Behavior Assessment System (ABAS),

(iv) Adaptive Behavior Evaluation Scale (ABES).

(g) In all cases, assessments or evaluations for eligibility should be obtained from appropriately licensed professionals with experience and training with the instruments and population for whom eligibility is to be determined.

(4) Establishing Eligibility – Prader-Willi Syndrome. Diagnosis is confirmed by written documentation from one or more of the following:

(a) A medical doctor;

(b) A doctor of osteopathy; or

(c) Medical records that document a diagnosis of Prader-Willi Syndrome before the age of 18.

(5) Establishing Eligibility – Spina Bifida. Diagnosis is confirmed by written documentation from one or more of the following:

(a) A medical doctor;

(b) A doctor of osteopathy; or

(c) Medical records that document a diagnosis of spina bifida cystica or myelomeningocele before the age of 18.

(6) Establishing Eligibility – High Risk Children, 3 to 5 years of age. Evidence under this category requires an area office determination that a medical diagnosis of developmental delay evidenced by the child indicates a high probability that the child is likely to have an eventual diagnosis of a qualifying condition under Rule 65G-4.014, F.A.C., if early intervention services are not provided, or the child has one or more physical or genetic anomalies associated with a developmental disability, such as:

(a) Genetic or chromosomal disorders (such as Down syndrome or Rett syndrome);

(b) Metabolic disorders (such as phenylketonuria);

(c) Congenital malformations (such as microcephaly or hydrocephaly);

(d) Neurological abnormalities and insults;

(e) Congenital and acquired infectious diseases;

(f) Chronic or catastrophic illnesses or injuries;

(g) A parent or guardian with developmental disabilities who requires assistance in meeting the child’s developmental needs; or

(h) Other conditions or genetic disorders generally associated with developmental disabilities, such as tuberous sclerosis, congenital syphilis, fetal alcohol syndrome, or maternal rubella, as documented by a physician.

(7) If a child between three and five years of age already has been determined to have a developmental disability in one of the five categories identified in Chapter 393, F.S., that child shall be eligible for services from the Agency under the appropriate diagnosis and shall be added to the wait list.

(8) If a child served under the category of high risk does not have a confirmed diagnosis by his or her fifth birthday, they shall be given a notice of case closure, the child’s case will be closed at the Agency. The Agency shall make the child’s parent or guardian aware of appropriate agencies, programs or school programs which the Agency is aware of which might be able to assist the child.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terri McGarrity, Sr. Management Analyst Supervisor

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jim DeBeaugrine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.:	RULE TITLE:
69A-62.004	Uniform Minimum Firefighter Employment Standards: Presence of Toxic Substances

PURPOSE AND EFFECT: The purpose of the rule amendment is to allow flexibility in maintaining current notices of toxic substances in the workplace, without the need for constant rule amendment.

SUMMARY: The rule sets forth requirements that firefighter employers must meet when toxic substances are used or stored in the workplace. The amendment redacts many pages of toxic substances that were adopted in 2001, and replaces them with a definition, thus providing the employer the flexibility to recognize newly identified toxic substances without the need to wait for the rule to be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 633.01(1), 633.808 FS.

LAW IMPLEMENTED: 633.45(1)(a), 633.807, 633.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, March 17, 2010, 9:30 a.m.

PLACE: Third floor conference room at the Atrium, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Charles Brush, Phone: (352)369-2836. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Brush, Safety Program Manager, Bureau of Fire Standards and Training, Division of State Fire Marshal, phone: (352)369-2836

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 69A-62.004 follows. See Florida Administrative Code for present text.)

69A-62.004 Uniform Minimum Firefighter Employment Standards; Presence of Toxic Substances; ~~Notice to Fire Departments.~~

(1) A firefighter employer shall maintain in the firefighter place of employment:

(a) A list of work areas, identified by name and location, where toxic substances, as defined in subsection (3) and not exempted by subsection (4) below, are present, and the chemical and common name of each toxic substance present, and

(b) A material safety data sheet for each toxic substance listed above.

(2) Whenever there is a change in the work areas where toxic substances are stored, or the addition of toxic substances in the firefighter place of employment, the firefighter employer shall update the information provided pursuant to subsection (1).

(3) Since not all substances are hazardous in every form to which a firefighter employee may be exposed, these rules apply when the following conditions are present:

(a) The substance is manufactured, produced, used, applied, or stored in the workplace, and

(b) The substance is known to cause damage to living tissue, impairment of the central nervous system, severe illness, or, in extreme cases, death, when ingested, inhaled or absorbed by the skin, during customary or reasonably foreseeable handling or use.

(4) A substance or mixture which satisfies the criteria in (3) is exempt from coverage if the substance:

(a) Is toxic only if chronically ingested;

(b) Is an alcoholic beverage as defined in the Beverage Law;

(c) Is toxic but labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; and the Federal Food, Drug and Cosmetic Act, as amended;

(d) Is a consumer product;

(e) Is a commercial product which is substantially equivalent in formulation to similar consumer products used for the same general purpose, when used in the workplace in such a manner that firefighter employee exposure is not significantly greater than exposures resulting from the principal consumer use of the similar consumer product;

(f) Is food stuff;

(g) Is fossil fuel in fuel tanks, engines, and other operating systems of vehicles where the substances are present only in amounts and forms substantially equivalent to the amounts and forms generally available to consumers, and

(h) Is fossil fuel used for heating, or power generation purposes, such that firefighter employees are not exposed to fumes or combustion by-products.

(5) Every firefighter employer who uses, applies, or stores toxic substances, as described in subsection (3) and not exempted in subsection (4), in the workplace shall post a notice in a place where notices are normally posted, informing firefighter employees of their rights under the law. Such posters may be obtained upon request from the State Fire Marshal.

Rulemaking Specific Authority 633.01(1), 633.808 FS. Law Implemented 633.45(1)(a), 633.807, 633.821 FS. History—New 11-21-01, Formerly 4A-62.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Brush

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

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

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

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

SUMMARY: The proposed rule adds the Certified Adjuster (CA) designation identified in Section 626.221(2)(k), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, March 16, 2010, 9:30 a.m.

PLACE: 139 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Hannah Tucker, Financial Administrator, (850)413-2813 or Leslie Kitterman, Insurance Administrator, (850)413-5472. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hannah Tucker, Financial Administrator, (850)413-2813 or Leslie Kitterman, Insurance Administrator, (850)413-5472, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), F.S., the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA), Professional Claims Adjuster (PCA), Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, Certified Adjuster (CA) from ALL LINES Training or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals, the requirement is at least 40 course hours:

(a) through (b) No change.

Rulemaking Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05, 11-7-06, 7-3-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hannah Tucker, Financial Administrator, Division of Agent and Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-231.030	Definitions
69B-231.080	Penalties for Violation of Section 626.611, F.S.
69B-231.100	Penalties for Violation of Subsection 626.621(6), F.S.
69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
69B-231.160	Aggravating/Mitigating Factors

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The amendments include adding new regulations adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating certain laws in order to reflect the Department’s experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUMMARY: The amendment to Rule 69B-231.030, F.A.C., amends the definitions for “administrative complaint” and “count” and adds a new definition for “administrative charges.” Rule 69B-231.080, F.A.C., is amended to add new penalties for violations of Section 626.611(17), F.S. Rule 69B-231.100, F.A.C., is amended to increase the length of license suspension for violations of certain unfair and deceptive insurance practices and adds penalties for misrepresentations and false advertising of insurance policies and twisting as well as adds penalties for violations under Section 626.9541(1), F.S. Rule 69B-231.110, F.A.C., is amended to increase the length of license suspension for violations of certain other provisions of the Florida Insurance Code and adds the penalty of revocation for licensees who fail to comply with the court, pursuant to Section 631.155, F.S., regarding accounting for premiums and unearned commissions. Rule 69B-231.160, F.A.C., is amended to repeal

the consideration of cooperation with the Department as an aggravating or mitigating factor and adds penalties for violation of any part of Sections 626.9541 and 627.4554, F.S. in relation to the sale of a life insurance policy or annuity to a senior citizen. Further, the rule is amended to delete the term "timely" as it relates to restitution to victims.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 624.308, 626.207(2), 627.4554(9) FS.

LAW IMPLEMENTED: 624.307(1), 626.308, 626.207(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9541, 626.9541(1), 627.4554, 631.155 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, March 16, 2010, 9:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kathy Spencer, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5644

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) "Administrative complaint" means a charging document ~~refers to formal administrative charges~~ filed by the Department against a licensee. ~~The charges consist of factual allegations with citations to violations of the Insurance Code, Department rules or orders grouped together in one or more counts.~~

(2) "Administrative charges" means charges consisting of factual allegations with citations to violations of the Insurance Code, Department rules or orders grouped together in one or more counts.

~~(3)(2)~~ A "Count" is a single allegation or multiple allegations relating ~~refers to a series of one or more numbered paragraphs of factual allegations in an administrative complaint that are grouped together under the word "Count" followed by a Roman numeral and which are set apart from other counts in an administrative complaint, which relate to a single transaction or occurrence, and which if true, would constitute a violation of one or more provisions of the Insurance Code.~~

~~(4)(3)~~ "Convicted" means adjudicated guilty by a court.

~~(5)(4)~~ "Crimes involving moral turpitude" means each felony crime identified in subsections 69B-211.042(23) and (24)(24), F.A.C., and each felony crime not identified in subsections 69B-211.042(23) and (24)(24), F.A.C., that is substantially similar to a crime identified in subsections 69B-211.042(23) and (24)(24), F.A.C.

~~(6)(5)~~ "Department" means the Florida Department of Financial Services.

~~(7)(6)~~ "Final penalty" means the penalty ~~actually~~ imposed on a licensee by the Department.

~~(8)(7)~~ "Penalty per count" means ~~refers to~~ the penalty to be assessed for a single count and is ~~which shall be~~ equal to the highest stated penalty in the count for all proven violations ~~proven~~.

~~(9)(8)~~ "Stated penalty" means the penalty set forth in Rules 69B-231.080 through 69B-231.150, F.A.C.

~~(10)(9)~~ "Total penalty" means ~~refers to~~ the sum of the highest stated penalties ~~for~~ for each count.

Rulemaking Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended 8-15-06, _____.

69B-231.080 Penalties for Violation of Section 626.611, F.S.

If it is found that the licensee has violated any of the following subsections of Section 626.611, F.S., for which compulsory suspension or revocation of license(s) and appointment(s) is required, the following stated penalty shall apply:

(1) through (8) No change.

(9) Section 626.611(9), F.S. – suspension 12 ~~9~~ months

(10) through (16) No change.

(17) Section 626.611(17)(a), (c) or (d), F.S. – suspension 12 months.

(18) Section 626.611(17)(b), F.S. – revocation.

Rulemaking Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended 8-15-06, _____.

69B-231.100 Penalties for Violation of Section 626.621(6), F.S.

If a licensee is found to have violated subsection 626.621(6), F.S., by engaging in unfair methods of competition or in unfair or deceptive acts or practices as defined in any of the following paragraphs of subsection 626.9541(1), F.S., the following stated penalty shall apply:

- (1) Section 626.9541(1)(a), F.S. – suspension 12 6 months.
- (2) through (11) No change.
- (12) Section 626.9541(1)(l), F.S. – suspension 12 9 months.
- (13) through (28) No change.
- (29) Section 626.9541(1)(cc), F.S. – suspension 6 months.
- (30) Section 626.9541(1)(ee), F.S. – suspension 12 months.
- (31) Section 626.9541(1)(ff), F.S. – suspension 12 months.

Rulemaking Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.621, 626.9541(1) FS. History–New 7-13-93, Formerly 4-231.100, Amended 8-15-06, _____.

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

- (1) through (4) No change.
- (5) Section 626.536, F.S. – administrative fine of not less than \$500 for the first violation; administrative fine of not less than \$1,000 for the second violation; and suspension of 2 months for the third and subsequent violations.
- (6) Section 626.541, F.S. – not less than \$500 for the first violation; administrative fine of not less than \$1,000 for the second violation; and suspension of 2 months for the third and subsequent violations.
- (7) through (34) No change.
- (35) Section 626.901(1), F.S. – suspension 12 6 months
- (36) through (38) No change.
- (39) Section 631.155, F.S. – revocation.

Rulemaking Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691, 631.155 FS. History–New 7-13-93, Formerly 4-231.110, Amended 8-15-06, _____.

69B-231.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. After consideration and application of these factors, the Department shall, if warranted by the Department’s consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.

(1) For penalties other than those assessed under Rule 69B-231.150, F.A.C.:

- (a) through (d) No change.
- (e) Restitution to victims ~~Timely~~;
- (f) and (g) No change.
- (h) Financial loss to victim ~~Cooperation with the Department~~;
- (i) through (l) No change.
- (m) Violation of any part of Sections 626.9541 and 627.4554, F.S., in relation to the sale of a life insurance policy or annuity to a senior citizen; and
- (n)(m) Other relevant factors.
- (2) No change.

Rulemaking Specific Authority 626.308, 626.207(2), 627.4554(9) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.631, 626.681, 626.9541, 627.4554 FS. History–New 7-13-93, Formerly 4-231.160, Amended 8-15-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barry Lanier, Chief of Investigation, Bureau of Investigation, Division of Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 2010

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-157.302	Facility Only Rates
690-157.303	Home Health Care Only Rates
690-157.304	Comprehensive Only Rates

PURPOSE AND EFFECT: Rules 690-157.302, 690-157.303, and 690-157.304, F.A.C., pertaining to Facility Only Rates, Home Health Care Only Rates, and Comprehensive Only Rates, are being amended to publish the new business rates that will be effective for 2010.

SUMMARY: Paragraph 627.9407(7)(c), Florida Statutes, regarding long-term care insurance, provides that any premium increase for existing insureds shall not result in a premium that exceeds the premium charged on a newly issued policy. This puts limits on how high the premium for existing customers can rise; they cannot be higher than rates charged for new policies.

The paragraph further provides that if the insurer is not issuing new coverage, the new business rate shall be as published by the Office, at the rate representing the new business rate of

insurers representing 80% of the carriers currently offering policies with similar coverage, as determined by the prior calendar year earned premium.

In simple terms, every year the Office does a survey of insurers issuing new policies, and comes up with the “new business rate”, broken down by geographical area, and type of long-term care insurance.

Rules 69O-157.302, .303, and .304, F.A.C., pertaining to Facility Only Rates, Home Health Care Only Rates, and Comprehensive Only Rates, respectively, are being amended to publish the new business rates that will be effective for 2010.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.9407(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 24, 2010, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@floi.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@floi.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-157.302 Facility Only Rates.

(1) The following maximum new business rates are effective for 2010 rate increase filings and for 2011 rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.
- (d) Policies offering Restoration of Benefits, and

(e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer’s current area factor applicable in that county relative to the insurer’s area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, ~~Miami-Dade~~ Duval and Palm Beach county. The South Florida area factor is equal to 1.00.

(2) Facility Only Rates:

Issue Age	3-Yr Benefit Period	5-Yr Benefit Period	Unlimited Benefit Period
30	\$244.38	\$296.71	\$324.72
31	\$245.76	\$299.01	\$324.72
32	\$247.18	\$301.32	\$324.72
33	\$248.61	\$303.70	\$324.72
34	\$250.08	\$306.08	\$324.72
35	\$274.33	\$339.84	\$393.60
36	\$275.92	\$342.43	\$393.60
37	\$277.56	\$345.02	\$393.60
38	\$279.19	\$347.65	\$393.60
39	\$280.87	\$350.32	\$393.60
40	\$305.37	\$378.71	\$447.72
41	\$307.09	\$381.46	\$447.72
42	\$308.81	\$384.30	\$447.72
43	\$310.57	\$387.18	\$447.72
44	\$312.37	\$390.10	\$447.72
45	\$362.59	\$455.72	\$575.64
46	\$365.02	\$459.37	\$575.64
47	\$367.49	\$463.12	\$575.64
48	\$370.01	\$466.94	\$575.64
49	\$372.56	\$470.84	\$575.64
50	\$392.25	\$497.62	\$629.76
51	\$403.43	\$510.23	\$649.44
52	\$411.81	\$525.78	\$669.12
53	\$431.63	\$549.95	\$713.40
54	\$454.37	\$579.89	\$762.60
55	\$477.16	\$607.08	\$816.72
56	\$511.89	\$650.81	\$870.84
57	\$547.50	\$695.62	\$934.80
58	\$589.72	\$747.22	\$1,008.60
59	\$632.91	\$805.76	\$1,087.32
60	\$682.93	\$865.57	\$1,170.96
61	\$734.08	\$932.48	\$1,264.44
62	\$789.34	\$1,000.87	\$1,362.84
63	\$859.63	\$1,093.53	\$1,485.84
64	\$937.93	\$1,192.11	\$1,613.76
65	\$1,017.65	\$1,289.90	\$1,756.44
66	\$1,105.08	\$1,399.93	\$1,913.88
67	\$1,200.43	\$1,521.37	\$2,081.16
68	\$1,320.99	\$1,677.23	\$2,322.24
69	\$1,471.97	\$1,856.70	\$2,583.00
70	\$1,637.36	\$2,071.79	\$2,878.20
71	\$1,842.51	\$2,312.52	\$3,207.84
72	\$2,059.81	\$2,579.92	\$3,576.84
73	\$2,274.97	\$2,868.25	\$3,936.00
74	\$2,502.28	\$3,190.21	\$4,334.52
75	\$2,767.75	\$3,547.64	\$4,777.32
76	\$3,074.08	\$3,942.45	\$5,259.40
77	\$3,415.26	\$4,385.38	\$5,790.76
78	\$3,796.56	\$4,872.71	\$6,435.28
79	\$4,215.98	\$5,416.32	\$7,153.60
80	\$4,683.37	\$6,020.61	\$7,950.64

81	\$5,205.93	\$6,725.28	\$8,836.24
82	\$5,782.36	\$7,499.43	\$9,820.24
83	\$6,313.69	\$8,190.73	\$10,622.20
84	\$6,890.31	\$8,918.80	\$11,488.12
85	\$8,214.34	\$10,442.14	\$12,427.84
86	\$8,930.08	\$11,338.00	\$13,446.28
87	\$9,702.70	\$12,319.18	\$14,543.44
88	\$10,546.42	\$13,380.94	\$15,734.00
89	\$11,461.24	\$14,532.68	\$17,018.12

88	\$10,546.42	\$13,380.94	\$15,734.00
89	\$11,461.24	\$14,532.68	\$17,018.12

Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended 5-31-09, _____.

690-157.303 Home Health Care Only Rates.

(1) The following maximum new business rates are effective for 2010~~09~~ rate increase filings and for 2011~~10~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 0 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, ~~Miami-Dade~~ ~~Duval~~ and Palm Beach county. The South Florida area factor is equal to 1.34 ~~1.30~~.

(2) Home Health Care Only Rates:

Issue Age	3-Yr Benefit	5-Yr. Benefit	Unlimited
	Period	Period	Benefit Period
30	\$228.66	\$275.22	\$324.72
31	\$229.22	\$276.15	\$324.72
32	\$229.80	\$277.08	\$324.72
33	\$230.37	\$278.04	\$324.72
34	\$230.96	\$279.01	\$324.72
35	\$263.37	\$323.73	\$393.60
36	\$264.01	\$324.77	\$393.60
37	\$264.67	\$325.82	\$393.60
38	\$265.33	\$326.88	\$393.60
39	\$266.01	\$327.96	\$393.60
40	\$298.51	\$364.86	\$447.72
41	\$299.21	\$365.97	\$447.72
42	\$299.90	\$367.12	\$447.72
43	\$300.61	\$368.28	\$447.72
44	\$301.34	\$369.45	\$447.72
45	\$369.67	\$458.14	\$575.64
46	\$370.65	\$459.62	\$575.64
47	\$371.65	\$461.13	\$575.64
48	\$372.66	\$462.67	\$575.64
49	\$373.70	\$464.24	\$575.64
50	\$398.60	\$497.67	\$629.76
51	\$411.60	\$511.24	\$649.44
52	\$420.64	\$528.82	\$669.12
53	\$445.60	\$558.37	\$713.40
54	\$474.57	\$595.90	\$762.60
55	\$503.55	\$629.49	\$816.72
56	\$540.19	\$675.41	\$870.84
57	\$577.18	\$721.76	\$934.80
58	\$622.49	\$776.52	\$1,008.60
59	\$668.19	\$839.72	\$1,087.32
60	\$722.30	\$903.44	\$1,170.96
61	\$776.87	\$975.68	\$1,264.44
62	\$835.93	\$1,048.51	\$1,362.84
63	\$909.53	\$1,145.28	\$1,485.84
64	\$992.02	\$1,247.26	\$1,613.76
65	\$1,077.91	\$1,354.58	\$1,756.44
66	\$1,172.56	\$1,472.49	\$1,913.88
67	\$1,276.07	\$1,603.49	\$2,081.16
68	\$1,412.37	\$1,779.48	\$2,322.24
69	\$1,575.08	\$1,979.13	\$2,583.00
70	\$1,754.91	\$2,207.30	\$2,878.20
71	\$1,962.10	\$2,462.77	\$3,207.84
72	\$2,188.32	\$2,745.97	\$3,576.84
73	\$2,413.69	\$3,040.44	\$3,936.00
74	\$2,658.09	\$3,368.27	\$4,334.52
75	\$2,934.86	\$3,730.21	\$4,777.32
76	\$3,245.07	\$4,127.01	\$5,259.40
77	\$3,589.14	\$4,571.51	\$5,790.76
78	\$4,000.29	\$5,093.26	\$6,435.28
79	\$4,452.28	\$5,677.36	\$7,153.60
80	\$4,957.50	\$6,328.35	\$7,950.64
81	\$5,524.62	\$7,065.07	\$8,836.24
82	\$6,150.23	\$7,883.56	\$9,820.24
83	\$6,698.27	\$8,583.79	\$10,622.20
84	\$7,290.02	\$9,332.78	\$11,488.12
85	\$8,214.34	\$10,442.14	\$12,427.84
86	\$8,930.08	\$11,338.00	\$13,446.28
87	\$9,702.70	\$12,319.18	\$14,543.44

Issue Age	3-Yr Benefit	5-Yr. Benefit	Unlimited Benefit
	Period	Period	Period
30	\$272.61	\$315.91	\$353.52
31	\$272.61	\$315.91	\$353.52
32	\$272.61	\$315.91	\$353.52
33	\$272.61	\$315.91	\$353.52
34	\$272.61	\$315.91	\$353.52
35	\$292.22	\$341.82	\$391.06
36	\$292.22	\$341.82	\$391.06
37	\$292.22	\$341.82	\$391.06
38	\$292.22	\$341.82	\$391.06
39	\$292.22	\$341.82	\$391.06
40	\$324.90	\$380.85	\$434.82
41	\$324.90	\$380.85	\$434.82
42	\$324.90	\$380.85	\$434.82
43	\$324.90	\$380.85	\$434.82
44	\$324.90	\$380.85	\$434.82
45	\$370.83	\$445.80	\$509.73
46	\$370.83	\$445.80	\$509.73
47	\$370.83	\$445.80	\$509.73
48	\$370.83	\$445.80	\$509.73
49	\$370.83	\$445.80	\$509.73
50	\$421.10	\$505.80	\$580.43
51	\$434.17	\$525.23	\$599.12
52	\$453.78	\$538.19	\$624.11
53	\$466.85	\$564.09	\$649.11
54	\$486.64	\$583.70	\$674.02
55	\$531.60	\$638.59	\$728.08
56	\$558.45	\$665.26	\$770.08
57	\$592.02	\$702.21	\$812.26
58	\$632.66	\$752.71	\$867.74
59	\$673.29	\$799.76	\$923.39
60	\$710.48	\$856.73	\$978.95
61	\$757.65	\$907.40	\$1,037.12
62	\$805.00	\$960.84	\$1,098.99

63	\$869.58	\$1,045.35	\$1,187.81
64	\$937.24	\$1,129.94	\$1,286.48
65	\$1,015.07	\$1,221.01	\$1,381.53
66	\$1,092.89	\$1,308.46	\$1,482.81
67	\$1,170.63	\$1,406.00	\$1,590.31
68	\$1,268.77	\$1,523.75	\$1,714.91
69	\$1,373.54	\$1,651.59	\$1,852.13
70	\$1,484.75	\$1,782.46	\$1,995.50
71	\$1,602.50	\$1,923.26	\$2,145.09
72	\$1,720.25	\$2,067.09	\$2,307.23
73	\$1,849.76	\$2,216.67	\$2,457.18
74	\$1,979.08	\$2,369.96	\$2,613.54
75	\$2,118.57	\$2,532.58	\$2,779.57
76	\$2,261.06	\$2,698.82	\$2,948.38
77	\$2,403.54	\$2,867.92	\$3,123.33
78	\$2,587.37	\$3,079.04	\$3,330.88
79	\$2,771.21	\$3,293.78	\$3,544.75
80	\$2,968.20	\$3,511.28	\$3,754.99
81	\$3,171.73	\$3,745.54	\$3,981.31
82	\$3,381.79	\$3,982.57	\$4,213.86
83	\$3,595.48	\$4,223.98	\$4,447.43
84	\$3,819.42	\$4,471.88	\$4,697.07
85	\$4,052.80	\$4,729.19	\$4,943.09
86	\$4,296.34	\$4,996.60	\$5,205.36
87	\$4,542.80	\$5,270.49	\$5,470.06
88	\$4,921.25	\$5,687.82	\$5,849.84
89	\$5,302.62	\$6,111.55	\$6,235.76

69	\$1,440.02	\$1,743.20	\$1,933.48
70	\$1,555.98	\$1,880.50	\$2,083.78
71	\$1,677.68	\$2,028.54	\$2,239.54
72	\$1,799.38	\$2,177.21	\$2,406.31
73	\$1,941.59	\$2,345.20	\$2,576.68
74	\$2,083.65	\$2,518.49	\$2,752.65
75	\$2,236.67	\$2,697.93	\$2,939.17
76	\$2,390.27	\$2,882.58	\$3,126.07
77	\$2,543.88	\$3,067.70	\$3,318.37
78	\$2,746.01	\$3,306.02	\$3,557.64
79	\$2,948.15	\$3,549.56	\$3,802.46
80	\$3,161.83	\$3,793.49	\$4,042.05
81	\$3,381.25	\$4,054.16	\$4,297.79
82	\$3,606.40	\$4,315.21	\$4,559.00
83	\$3,836.78	\$4,586.24	\$4,825.18
84	\$4,078.18	\$4,862.95	\$5,107.51
85	\$4,325.84	\$5,145.89	\$5,384.62
86	\$4,584.46	\$5,439.74	\$5,678.03
87	\$4,843.59	\$5,739.26	\$5,971.53
88	\$5,281.80	\$6,238.12	\$6,427.23
89	\$5,720.53	\$6,742.59	\$6,888.32

Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended 5-31-09,_____.

690-157.304 Comprehensive Only Rates.

(1) The following maximum new business rates are effective for 2010~~09~~ rate increase filings and for 2011~~10~~ rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days;
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough County.

(f) Insurers who did not use area factors in the closed blocks for which a rate change is being requested may calculate the new business rate as a weighted average of the Hillsborough and the South Florida area factors, where the weights used are in-force premium by county. For the purposes of this calculation, the South Florida area factors are those that apply in Broward, Miami-Dade ~~Duval~~ and Palm Beach county. The South Florida area factor is equal to 1.00.

(2) Comprehensive Only Rates:

Issue Age	3-Yr Benefit	5-Yr. Benefit	Unlimited Benefit
	Period	Period	Period
30	\$300.45	\$352.73	\$389.82
31	\$300.45	\$352.73	\$389.82
32	\$300.45	\$352.73	\$389.82
33	\$300.45	\$352.73	\$389.82
34	\$300.45	\$352.73	\$389.82
35	\$317.66	\$375.46	\$422.76
36	\$317.66	\$375.46	\$422.76
37	\$317.66	\$375.46	\$422.76
38	\$317.66	\$375.46	\$422.76
39	\$317.66	\$375.46	\$422.76
40	\$346.34	\$409.72	\$461.16
41	\$346.34	\$409.72	\$461.16
42	\$346.34	\$409.72	\$461.16
43	\$346.34	\$409.72	\$461.16
44	\$346.34	\$409.72	\$461.16
45	\$386.64	\$466.71	\$526.90
46	\$386.64	\$466.71	\$526.90
47	\$386.64	\$466.71	\$526.90
48	\$386.64	\$466.71	\$526.90
49	\$386.64	\$466.71	\$526.90
50	\$436.88	\$527.53	\$597.11
51	\$448.35	\$544.59	\$613.51
52	\$465.56	\$555.95	\$635.44
53	\$477.03	\$578.69	\$657.38
54	\$494.39	\$595.90	\$679.24
55	\$548.14	\$660.38	\$743.00
56	\$575.78	\$687.87	\$785.99
57	\$609.32	\$726.42	\$829.12
58	\$653.14	\$780.94	\$888.01
59	\$696.96	\$830.39	\$947.05
60	\$735.72	\$890.59	\$1,006.01
61	\$785.28	\$945.26	\$1,065.22
62	\$834.99	\$1,000.32	\$1,129.72
63	\$905.94	\$1,092.84	\$1,226.03
64	\$977.57	\$1,185.44	\$1,333.02
65	\$1,060.15	\$1,283.72	\$1,434.80
66	\$1,142.73	\$1,376.79	\$1,542.04
67	\$1,225.23	\$1,480.75	\$1,654.74
68	\$1,329.72	\$1,606.53	\$1,788.57

Issue Age	3-Yr Benefit	5-Yr. Benefit	Unlimited Benefit
	Period	Period	Benefit Period
30	\$356.29	\$454.14	\$622.87
31	\$357.87	\$456.21	\$625.56
32	\$359.50	\$458.88	\$628.85
33	\$361.17	\$470.16	\$640.99
34	\$371.48	\$472.96	\$644.48
35	\$394.20	\$488.52	\$681.96
36	\$396.05	\$500.51	\$694.85
37	\$398.42	\$503.55	\$699.14
38	\$400.41	\$507.18	\$703.57
39	\$411.53	\$510.43	\$708.14
40	\$425.67	\$546.94	\$744.90
41	\$431.46	\$553.40	\$754.41
42	\$435.96	\$558.44	\$761.15
43	\$440.16	\$563.69	\$777.40

44	\$453.08	\$569.55	\$785.18	50	\$479.26	\$595.61	\$813.68
45	\$462.69	\$600.10	\$811.36	51	\$505.23	\$623.11	\$835.17
46	\$476.62	\$604.61	\$827.36	52	\$513.39	\$649.76	\$864.38
47	\$481.31	\$609.99	\$834.12	53	\$538.24	\$668.55	\$893.83
48	\$487.16	\$617.01	\$843.22	54	\$556.76	\$686.10	\$923.80
49	\$501.72	\$624.68	\$872.16	55	\$576.17	\$705.82	\$953.92
50	\$510.28	\$643.51	\$885.02	56	\$613.07	\$763.28	\$1,013.97
51	\$530.60	\$665.25	\$910.57	57	\$644.96	\$814.10	\$1,077.32
52	\$547.56	\$693.85	\$941.52	58	\$685.09	\$865.63	\$1,142.80
53	\$565.67	\$712.92	\$972.94	59	\$727.89	\$918.63	\$1,225.21
54	\$584.47	\$743.02	\$1,005.11	60	\$770.32	\$982.63	\$1,295.72
55	\$604.14	\$754.11	\$1,038.38	61	\$837.63	\$1,054.63	\$1,407.63
56	\$644.88	\$809.63	\$1,098.41	62	\$902.26	\$1,125.02	\$1,517.18
57	\$679.14	\$865.06	\$1,168.20	63	\$970.76	\$1,216.48	\$1,641.04
58	\$724.11	\$932.83	\$1,241.76	64	\$1,037.79	\$1,289.00	\$1,754.64
59	\$760.97	\$982.81	\$1,327.49	65	\$1,115.07	\$1,381.69	\$1,897.16
60	\$817.49	\$1,054.33	\$1,406.23	66	\$1,227.95	\$1,534.96	\$2,109.14
61	\$883.47	\$1,136.02	\$1,518.87	67	\$1,363.32	\$1,701.42	\$2,340.31
62	\$954.83	\$1,213.95	\$1,634.80	68	\$1,500.23	\$1,865.03	\$2,577.06
63	\$1,029.20	\$1,304.31	\$1,763.51	69	\$1,633.30	\$2,052.92	\$2,819.57
64	\$1,101.86	\$1,392.44	\$1,889.04	70	\$1,789.01	\$2,248.85	\$3,075.07
65	\$1,189.14	\$1,489.02	\$2,039.15	71	\$2,018.76	\$2,528.81	\$3,470.22
66	\$1,303.22	\$1,638.22	\$2,242.87	72	\$2,256.08	\$2,812.66	\$3,900.29
67	\$1,439.64	\$1,819.93	\$2,472.25	73	\$2,512.25	\$3,130.51	\$4,333.65
68	\$1,586.10	\$1,997.01	\$2,717.22	74	\$2,787.33	\$3,470.24	\$4,800.53
69	\$1,726.79	\$2,189.76	\$2,977.95	75	\$3,076.60	\$3,832.91	\$5,298.58
70	\$1,882.16	\$2,399.49	\$3,258.58	76	\$3,443.00	\$4,280.81	\$5,959.12
71	\$2,122.56	\$2,689.46	\$3,650.61	77	\$3,835.70	\$4,784.33	\$6,705.56
72	\$2,380.33	\$3,011.03	\$4,078.34	78	\$4,226.95	\$5,296.16	\$7,436.47
73	\$2,643.96	\$3,334.39	\$4,516.90	79	\$4,655.32	\$5,816.66	\$8,167.71
74	\$2,925.10	\$3,689.09	\$4,989.64	80	\$5,033.64	\$6,283.38	\$9,137.19
75	\$3,233.67	\$4,080.01	\$5,495.62	81	\$5,957.64	\$7,384.25	\$9,856.49
76	\$3,622.71	\$4,564.96	\$6,160.74	82	\$6,462.62	\$8,016.60	\$10,649.85
77	\$4,043.45	\$5,116.80	\$6,891.93	83	\$7,047.04	\$8,737.67	\$11,569.42
78	\$4,467.54	\$5,674.34	\$7,616.29	84	\$7,672.15	\$9,524.34	\$12,583.26
79	\$4,913.66	\$6,236.42	\$8,355.38	85	\$8,275.28	\$10,351.15	\$13,731.52
80	\$5,365.77	\$7,657.61	\$10,904.13	86	\$9,225.98	\$11,509.12	\$15,353.86
81	\$5,851.19	\$8,314.46	\$11,818.20	87	\$9,960.46	\$12,463.27	\$16,617.84
82	\$6,360.85	\$9,038.95	\$12,820.94	88	\$10,770.06	\$13,480.85	\$17,971.04
83	\$6,954.06	\$9,851.27	\$13,927.26	89	\$11,635.34	\$14,571.84	\$19,424.16
84	\$7,579.36	\$10,744.46	\$15,117.75				
85	\$9,393.68	\$11,738.30	\$16,454.06				
86	\$10,622.25	\$13,240.69	\$17,976.84				
87	\$11,550.00	\$14,432.21	\$19,582.64				
88	\$12,554.44	\$15,692.91	\$21,291.57				
89	\$13,619.15	\$17,034.25	\$23,112.87				

Issue	3-Yr Benefit	5-Yr Benefit	Unlimited Benefit
Age	Period	Period	Period
30	\$338.04	\$424.62	\$551.77
31	\$339.55	\$426.64	\$553.82
32	\$341.12	\$438.88	\$556.47
33	\$352.01	\$441.06	\$559.25
34	\$353.68	\$443.59	\$562.12
35	\$372.21	\$466.26	\$609.39
36	\$373.99	\$468.92	\$613.04
37	\$376.10	\$471.68	\$616.87
38	\$387.27	\$474.83	\$620.85
39	\$389.53	\$487.62	\$625.03
40	\$401.94	\$511.06	\$666.22
41	\$406.86	\$516.21	\$677.58
42	\$410.98	\$520.70	\$686.36
43	\$424.26	\$525.26	\$696.61
44	\$428.32	\$540.20	\$706.05
45	\$435.39	\$555.82	\$737.53
46	\$447.54	\$560.69	\$749.12
47	\$452.53	\$566.29	\$760.44
48	\$467.40	\$572.59	\$773.49
49	\$473.01	\$589.03	\$798.54

Rulemaking Authority 627.9408(1) FS. Law Implemented 627.9407(7) FS. History--New 11-1-07, Amended 5-31-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099811 RULE TITLE: Differentiated Accountability State System of School Improvement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

In addition to the changes noticed in Vol 36, No. 5, February 5, 2010, issue of the Florida Administrative Weekly, subparagraphs (8)(b)2.b. and (8)(b)2.g. and Forms DA-2, DA-3, and DA-4 have been amended as follows. Copies of the changes may be obtained by contacting Lynn Abbott at lynn.abbott@fldoe.org

(8)(b)2.b. "...The Department shall provide recommendations to the superintendent district with respect to replacing the principal, assistant principals, and instructional coaches."

(8)(b)2.g. "The district to assemble an advisory board comprised of district personnel, teachers, community members, and a representative of the Department. The advisory board shall report monthly to the superintendent regarding its activities, concerns, and recommendations. Only one advisory board is required for a district with more than one school in the Intervene category."

DA-2 – the Professional Development strategy, "The district must ensure that appropriate resources are provided to support the school to redesign the master schedule to provide common planning time for data-based decision making within the Problem Solving process, job-embedded professional development, and Lesson Study," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

DA-3 – the Professional Development strategy, "District ensures that appropriate resources are provided to support the alternative school to redesign the master schedule to provide common planning time for data-based decision making within the problem-solving process, job-embedded professional development, and Professional Learning Communities (PLCs) with Lesson Study Groups," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

DA-4 – the Professional Development strategy, "Charter School redesigns the master schedule to provide common planning time for data-based decision making within the problem-solving process, job-embedded professional development, and Professional Learning Communities (PLCs) with Lesson Study Groups," has been amended to be required only for Prevent II D, Correct II D & F schools as well as the previously indicated Intervene schools.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.659	Forms and Instructions
40D-1.1021	Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Changes are made to add language to the Emergency Field Authorization form, incorporated by reference in subsection 40D-1.1021(2), F.A.C., that includes the Title of the form being adopted (Emergency Field Authorization) and an explanation of how that form can be obtained from the District. The District has modified the form by adding a section at the beginning for use by District staff to document the existence of an emergency and describe the emergency conditions existing at the site. Grammatical errors in the form have also been corrected.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at www.watmatters.org.

- (1) GROUND WATER
 - (a) through (hh) No change.
- (2) SURFACE WATER
 - (a) through (m) No change.
 - (n) EMERGENCY FIELD AUTHORIZATION FORM, FORM NO. LEG-R.049.00 (11/09), incorporated by reference in subsection 40D-1.1021(2), F.A.C.
- (3) OTHER
 - (a) through (d) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99,

5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09,_____.

40D-1.1021 Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, F.S.

The District shall authorize activities regulated under Part IV of Chapter 373, F.S. when emergency conditions exist. Emergency conditions are defined as those conditions which pose a present or imminent danger and require immediate action to protect the public health, safety or welfare; the health of animals, birds, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Mere carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Authorization begin construction that requires a permit under Chapters 40D-4, 40D-40 and 40D-400, F.A.C., prior to the issuance of a permit currently under consideration by the District may be applied for in writing, when emergency conditions exist. The Executive Director or his or her designee is authorized to issue emergency authorizations pursuant to this paragraph.

(2) Emergency field authorizations may be requested when emergency conditions exist and no environmental resource permit application is currently under consideration by the District. The entity requesting the emergency field authorization shall complete District Emergency Field Authorization Form No. LEG-R.049.00 (11/09), incorporated herein by reference. This form may be obtained from the District’s website at www.watermatters.org or from the District offices. The activity authorized by the emergency field authorization may commence upon approval by the District’s field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within ninety (90) days of issuance of an emergency field authorization the recipient shall either restore the site to the conditions existing before the emergency or apply for an environmental resource permit.

Rulemaking Specific Authority 120.54(5), 373.044, 373.113, 373.149 FS. Law Implemented 120.54(5), 120.569(2)(n), 373.119, 373.083, 373.083(5), 373.413, 373.416, 373.426, 373.439 FS. History—Readopted 10-5-74, Amended 10-24-76, Formerly 16J-4.16, Amended 10-1-84, Formerly 40D-4.451, Amended 7-2-98, 6-17-99,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.: RULE TITLES:
58A-5.016 License Requirements

58A-5.0181 Admission Procedures,
 Appropriateness of Placement and
 Continued Residency Criteria
58A-5.0182 Resident Care Standards
58A-5.0183 Do Not Resuscitate Orders (DNROs)
58A-5.0185 Medication Practices
58A-5.019 Staffing Standards
58A-5.0191 Staff Training Requirements and
 Competency Test
58A-5.023 Physical Plant Standards
58A-5.025 Resident Contracts
58A-5.033 Administrative Enforcement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The following changes are being made as a result of comments received from the rule hearing conducted on January 7, 2010, and comments submitted by the Joint Administrative Procedures Committee.

58A-5.016 License Requirements.

(1) through (4) No change.

(5) CONTIGUOUS PROPERTY.

If a facility consists of more than one building, all buildings included under a single license must be on contiguous property. “Contiguous property” means property under the same ownership separated by no more than a two-lane street that traverses the property. A licensed location may be expanded to include additional contiguous property with the approval of the agency to ensure continued compliance with the requirements and standards of Part I ~~III~~, Chapter ~~429~~ 400, F.S., and this rule chapter.

(6) through (7) No change.

(8) THIRD PARTY SERVICES.

(a) In instances when residents require services from a third party provider, the facility administrator or designee must take action to assist, ~~if necessary~~, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals, unless residents or their representatives decline the assistance. The declination of assistance must be reviewed at least annually. These actions must be documented in the resident’s record.

(b) In instances when residents or their representatives arrange for third party services ~~that are not included in the documents listed in paragraph (a) of this subsection~~, the facility administrator or designee, when requested by residents or representatives, must take action to assist, ~~if necessary~~, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident’s record.

(c) The facility's facilitation and coordination as described under this subsection does not represent a guarantee that residents will receive third party services. If the facility's efforts at facilitation and coordination are unsuccessful, the facility should include documentation in the resident's record explaining the reason or reasons its efforts were unsuccessful, which will serve to demonstrate its compliance with this subsection.

Rulemaking Specific Authority 429.41 FS. Law Implemented 429.12, 429.41, 429.44, 429.445 FS. History—New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, 10-17-99, 7-30-06,_____.

58A-5.0181 Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.

(1) No change.

(2) HEALTH ASSESSMENT. As part of the admission criteria, an individual must undergo a face-to-face medical examination completed by a licensed health care provider, as specified in either paragraph (a) or (b) of this subsection.

(a) ~~A~~ The medical examination report must be completed within 60 calendar days prior to the individual's admission to a facility pursuant to Section 429.26(4), F.S. The examination report must be based on a face-to-face examination and must address the following:

1. through 6. No change.

7. A statement on the day of the examination that, in the opinion of by the examining licensed health care provider, that the individual's needs can be met in an assisted living facility; and

8. No change.

(b) ~~A m~~ Medical examinations completed after the resident's admission to the facility must be completed within 30 calendar days of the admission date. The examination and must be recorded on AHCA Form 1823, Resident Health Assessment For Assisted Living Facilities and Adult Family-Care Homes,_____2010. The form is hereby incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA Form 1823 may be obtained from the Agency Central Office or its website at: www.fdhc.state.fl.us/MCHQ/Long_Term_Care/Assisted_living/pdf/AHCA_Form_1823%.pdf. The form must be completed as follows:

1. The resident's licensed health care provider must complete all of the required information in Sections 1, Health Assessment, and 2, Self-Care and General Oversight Assessment, based on a face-to-face examination.

a. through c. No change.

2. The facility administrator, or designee, must complete Section 3 of the form, Services Offered or Arranged by the Facility, or may use electronic documentation, which at a minimum includes the elements in Section 3. This requirement does not apply except for residents receiving:

a. through d. No change.

(c) through (g) No change.

(3) No change.

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (e) of this subsection, criteria for continued residency in any licensed facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission. As part of the continued residency criteria, a resident must have a face-to-face medical examination by a licensed health care provider. A determination of the appropriateness of a resident's continued residency must be completed at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The results of the examination must be recorded on The facility must make the determination of continued residency using AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule. The form must be completed in accordance with that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement.

(a) through (e) No change.

(5) No change.

Rulemaking Specific Authority 429.07, ~~429.26~~, 429.41 FS. Law Implemented ~~429.02~~, 429.07, ~~429.075~~, 429.26, 429.41 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06,_____.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) through (6) No change.

(7) THIRD PARTY SERVICES. Nothing in this rule chapter is intended to prohibit a resident or the resident's representative from independently arranging, contracting, and paying for services provided by a third party of the resident's choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for continued residency and the resident complies with the facility's policy relating to the delivery of services in the facility by third parties. The facility's policies may must require the third party to coordinate with the facility regarding the resident's condition and the services being provided pursuant to subsection (8) of Rule 58A-5.016, F.A.C. Pursuant to subsection (6) of this rule, the facility shall provide the resident with the facility's policy regarding the provision of services to residents by non-facility staff.

(8) through (9) No change.

Rulemaking Specific Authority 429.41 FS. Law Implemented 429.02, 429.255, 429.256, 429.26, 429.28, 429.41 FS. History–New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06, _____.

58A-5.0183 Do Not Resuscitate Orders (DNROs).

(1) POLICIES AND PROCEDURES.

(a) Each assisted living facility (ALF) must have written policies and procedures, which delineate its position with respect to state laws and rules relative to DNROs. The policies and procedures shall not condition treatment or admission upon whether or not the individual has executed or waived a DNRO. In the event of conflict between the facility’s policies and procedures and the resident’s properly executed DNRO, provision should be made in accordance with Chapter 765, F.S. The ALF must provide the following to each resident, or resident’s representative, at the time of admission:

1. through 3. No change.

(b) No change.

(2) No change.

(3) DNRO PROCEDURES.

Pursuant to Section 429.255, F.S., an ALF must honor a properly executed DNRO as follows:

(a) In the event a resident experiences cardiopulmonary arrest distress, staff trained in cardiopulmonary resuscitation (CPR), or a licensed health care provider present in the facility, may withhold cardiopulmonary resuscitation.

(b) In the event a resident is receiving hospice services and experiences cardiopulmonary arrest distress, facility staff must immediately contact the hospice. The hospice procedures shall take precedence over those of the assisted living facility.

~~(c) If a facility has a written policy not to honor a properly executed DNRO, the facility must make this fact clearly known in writing to the resident, or legal representative, at the time of admission and in its contract with the resident. The facility must also inform the resident, or legal representative, in writing at the time of admission and in its contract with such resident that the facility will administer CPR until the “911” contact person arrives. This must be documented in the resident’s record. In such a facility, when a resident, who has a properly executed DNRO, experiences cardiopulmonary distress, staff must immediately contact “911.”~~

~~1. A trained staff member must administer CPR until emergency services arrive.~~

~~2. Once emergency services arrive, the facility must present the properly executed DNRO to the “911” contact person.~~

~~3. Cardiopulmonary resuscitation may then be withheld or withdrawn by the “911” contact person pursuant to Section 401.45, F.S.~~

(4) No change.

Rulemaking Authority 429.255 FS. Law Implemented 429.255 FS. History–New _____.

58A-5.0185 Medication Practices.

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, licensed facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) through (7) No change.

(8) OVER THE COUNTER (OTC) PRODUCTS MEDICATIONS.

For purposes of this subsection, the term OTC includes, but is not limited to, OTC medications, vitamins, nutritional supplements and nutraceuticals, hereafter referred to as OTC products, which can be sold without a prescription.

(a) A stock supply of OTC products medications for multiple resident use is not permitted in any facility.

(b) ~~When centrally stored, OTC products medications, including those prescribed by a licensed health care provider, must be labeled with the resident’s name and–In addition, the manufacturer’s label with directions for use, or the licensed health care provider’s order with directions for use, must be kept with the medication.~~ No other labeling requirements are necessary nor should be required.

(c) No change.

(d) A facility cannot require a licensed health care provider’s order for all OTC products medications as part of its policies and procedures when a resident self-administers his or her own medications, or when staff provides assistance with self-administration or administration of medications. ~~However, in the event staff becomes concerned over a resident’s health, safety and welfare regarding OTC medications that may be contraindicated when taken with one another or in combination with prescribed medications, the following shall apply:~~

~~1. Staff must bring the issue to the attention of the resident, or representative, the resident’s licensed health care provider and the administrator. This action must be documented in the resident’s record. The resident’s licensed health care provider shall make the determination as to whether the OTC medication is:~~

~~a. Contraindicated and should be discontinued; or~~

~~b. Can be taken as directed; or~~

~~c. Can be taken with other directions for use.~~

~~2. The facility must document the health care provider’s directives and keep a copy of the health care provider’s written order, if applicable, in the resident’s record.~~

~~(e) The facility must include the provisions in this subsection in resident contracts or house rules pursuant to Rule 58A-5.025, F.A.C.~~

Rulemaking Specific Authority 429.256, 429.41 FS. Law Implemented 429.255, 429.256, 429.41 FS. History--New 10-17-99, Amended 7-30-06,_____.

58A-5.019 Staffing Standards.

(1) through (3) No change.

(4) STAFFING STANDARDS.

(a) through (b) No change.

(c) The facility must maintain a written work schedule which reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules for direct care staff available to residents or representatives, specific to the resident's care.

(d) through (f) No change.

Rulemaking Specific Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, ~~429.04~~, 429.174, ~~429.176~~, ~~429.19~~, 429.24, ~~429.255~~, ~~429.26~~, 429.275, 429.41, 429.52 FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06,_____.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) through (7) No change.

(8) LIMITED MENTAL HEALTH TRAINING.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must receive the following training:

1. No change.

2. A minimum of 3 hours of continuing education, which may be provided by the ALF administrator or through distance learning, or in-service training biennially thereafter in subjects dealing with one or more of the following topics:

a. through b. No change.

~~3.e.~~ For administrators and managers, the continuing education ~~this~~ requirement under this subsection will satisfy 3 of the 12 hours of continuing education required biennially pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

~~4.d.~~ Administrators, managers and direct contact staff affected by the continuing education ~~this~~ requirement under this subsection shall have up to 6 months after the effective date of this rule to meet the continuing education or in-service training requirement.

(b) No change.

(9) through (10) No change.

(11) DO NOT RESUSITATE ORDERS TRAINING REQUIREMENT.

(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of attend training in the facility's policies and procedures regarding DNROs within 60 ~~30~~ days after the effective date of this rule.

(b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of attend training in the facility's policy and procedures regarding DNROs within 30 days after employment.

(c) No change.

(12) No change.

Rulemaking Specific Authority 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History--New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, 7-30-06, 10-9-06, 7-1-08,_____.

58A-5.023 Physical Plant Standards.

(1) NEW FACILITIES.

(a) Newly Constructed Facilities.

Newly constructed facilities that are to be licensed as assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities should be aware of ~~must comply with~~ the following standards:

1. No change.

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities, except for the specific National Fire Protection Association codes described in Section 429.41, F.S.

(b) New Facilities in Converted Buildings.

Existing structures not previously licensed as assisted living facilities that are to be converted to assisted living facilities and any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities should be aware of ~~must comply with~~ the following standards:

1. No change.

2. Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities, except for the specific National Fire Protection Association codes described in Section 429.41, F.S.

(2) EXISTING FACILITIES.

(a) An assisted living facility that was initially licensed prior to the effective date of this rule must comply with the rule or building code in effect at the time of initial licensure, except that any part of the facility included in additions, modifications, alterations, refurbishing, renovations or reconstruction must comply with the currently adopted codes and standards referenced in subsection (1) of this rule. Determination of the installation of a fire sprinkler system in an existing facility must comply with the requirements described in Section 429.41, F.S.

(b) No change.

~~(3)(4)~~ OTHER REQUIREMENTS.

(a) through (d) No change.

~~(4)(5)~~ FACILITIES WITH 16 OR FEWER RESIDENTS.:

Rulemaking Specific Authority 429.41 FS. Law Implemented 429.27, 429.41 FS. History–New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, _____.

58A-5.025 Resident Contracts.

(1) Pursuant to Section 429.24, F.S., prior to or at the time of admission, each resident or legal representative, shall execute a contract with the facility, which contains the following provisions:

(a) through (j) No change.

(k) A provision that residents must be assessed upon admission pursuant to subsection (2) of Rule 58A-5.0181, F.A.C., and every 3 years periodically thereafter, or after a significant change, pursuant to subsection (4) of that rule.

(1) The facility’s policies and procedures for self-administration, assistance with self-administration and administration of medications, if applicable, pursuant to Rule 58A-5.0185, F.A.C. This also includes provisions regarding requirements for over-the-counter (OTC) products medications pursuant to subsection (8) of that rule.

(m) The facility’s policies and procedures related to a properly executed Do Not Resuscitate Order. If a facility has a policy not to honor a properly executed DNRO, the facility must inform the resident, or legal representative, in writing of the policy pursuant to paragraph (3)(c) of Rule 58A-5.0183, F.A.C.

(2) through (3) No change.

Rulemaking Specific Authority 429.24, 429.41 FS. Law Implemented 429.24, 429.41 FS. History–New 10-17-99, Amended 7-30-06, _____.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part I of Chapter 429, F.S., and this rule chapter.

(1) through (5) No change.

~~(6)~~ MORATORIUMS.

~~(a) An immediate moratorium on admissions to the facility shall be placed on the facility when it has been determined that any condition in the facility presents an immediate or direct threat to the health, safety, or welfare of the residents in the facility. The following conditions are examples of threats constituting grounds for a moratorium:~~

- ~~1. Presence of residents with stage 3 or 4 pressure sores;~~
- ~~2. The presence of residents who require 24 hour nursing supervision;~~

~~3. Food supply inadequate to provide proper nutrition to residents;~~

~~4. Lack of sufficient staff to supervision or meet immediate residents’ needs;~~

~~5. Notification by the fire marshal or the county health department that conditions exist which pose an imminent threat to residents; or~~

~~6. Failure to provide medications as prescribed;~~

~~(b) The appropriate Agency Field Office shall notify the facility via telephone and written notification on the same day that a moratorium is being placed on admissions into the facility. The effective date of the moratorium shall be the date the facility receives a verbal and written notification from the Field Office. The notice shall contain the following information:~~

~~1. Confirmation of the placement of the moratorium;~~

~~2. A detailed explanation of the reasons for placing the moratorium;~~

~~3. The criteria which the facility shall be required to meet before the moratorium will be lifted;~~

~~4. Directions to contact the appropriate Field Office when the conditions have been corrected so that an appraisal survey can be conducted; and~~

~~5. Advising the facility of their right to request a hearing in accordance with Part II of Chapter 59-1, F.A.C. and Chapter 120, F.S.~~

~~(c) Moratoriums shall not be lifted until the deficiencies have been corrected and the agency has determined through an appraisal survey that there is no longer any threat to the residents’ health, safety, or welfare. The removal of the moratorium will be communicated by a telephone call and confirmed by written notification.~~

~~(d) During the moratorium, no new residents or previously discharged residents shall be admitted to the facility. Residents for whom the facility is holding a bed may return to the facility only after being informed that the facility is under a moratorium and with the prior approval of the local agency office.~~

~~(e) When a moratorium is placed on a facility, agency notice of the moratorium shall be posted and visible to the public at the facility until the moratorium is lifted.~~

(7) No change.

Rulemaking Specific Authority 429.15, 429.23, 429.41, 429.42 FS. Law Implemented 429.07, 429.08, 429.11, 429.12, 429.14, ~~429.15, 429.17, 429.19, 429.256, 429.26, 429.23, 429.27, 429.28, 429.34, 429.41, 429.42~~ FS. History–New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02, 7-30-06, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.: RULE TITLES:
 58A-14.002 Definitions
 58A-14.0061 Admission Procedures and
 Appropriateness of Placement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

These changes are being made as a result of the review of the proposed rule by the Joint Administrative Procedures Committee.

CORRECTION: The correct date for the publication of the notice of rule development is December 12, 2008, not December 12, 2009.

58A-14.002 Definitions.

The following terms or phrases are defined in Section 429.65, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), adult family-care home (AFCH), agency (AHCA), aging in place, appropriate placement, chemical restraint, department, disabled adult, frail elder, personal services or personal care, provider, relative, relief person, and resident. Additional definitions applicable to this rule chapter are as follows:

- (1) through (14) No change.
- (15) ~~“Person” means solely the licensee to whom the agency has issued the AFCH license.~~

(15) through (16) No change.

~~(17)~~(18) “Reside” or “resides” means the licensee or applicant lives in the AFCH as a primary residence. For purposes of this rule chapter, any two of the following documents, which include the name of the licensee or applicant and the AFCH address, are accepted by the agency as proof that the licensee or applicant physically lives in the AFCH:

- (a) through (c) No change.
- (17) through (19) renumbered (18) through (20) No change.

Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.65, 429.67, 429.71, 429.73 FS. History–New 5-14-86, Amended 2-2-95, Formerly 10A-14.002, Amended 9-19-96, 6-6-99, _____.

58A-14.0061 Admission Procedures, Appropriateness of Placement and Continued Residency Requirements.

- (1) through (3) No change.
- (4) **DO NOT RESUSCITATE ORDERS ADVANCE DIRECTIVES:**

(a) Each adult family-care home (AFCH) must have written policies and procedures, which delineate the AFCH’S position with respect to the state law and rules relative to do not resuscitate orders (DNROs) advance directives. The

policies shall not condition treatment or admission upon whether or not the individual has executed or waived an DNRO advance directive. In the event of conflict between the AFCH’s policies and procedures and the resident’s DNRO advance directive, provision should be made in accordance with Chapter 765, F.S.

(b) The AFCH’s policy must ~~shall~~ include:

- 1. No change.
- 2. At the time of admission, providing each resident, or the resident’s representative, with written information concerning the AFCH’s policies regarding DNROs resuscitation and advance directives, including information concerning DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64E-2.031, F.A.C.

3. At the time of admission, providing each resident, or the resident’s representative, with written information concerning the AFCH’s policies respecting DNROs advance directives.

4. The requirement that documentation of whether or not the resident has executed an DNRO advance directive must be contained in the resident’s record. If an DNRO advanced directive has been executed, a copy of that document must be made a part of the resident’s record. If the AFCH does not receive a copy of the DNRO advanced directive for a resident, the AFCH must document in the resident’s record that it has requested a copy.

5. An AFCH shall be subject to revocation of its license pursuant to Section 408.815, F.S., if the AFCH, as a condition of treatment or admission, requires an individual to execute or waive an DNRO advance directive, pursuant to Section 765.110, F.S.

- (c) No change.
- (5) through (7) No change.

Rulemaking Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History–New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, 4-29-08, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-4.010 Sanitation and Safety Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – Except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C.

- (a) through (b) No change.

(c) Labeling – Public food service establishments which prepare and package food products for sale within the establishment must ensure that packaged food products are properly labeled. A label is not required on food products placed in a wrapper, carry-out box, or other nondurable container for the purpose of protecting the food during service to and receipt by the customer. Package labels must contain the following information:

1. Identity and description of product;
2. Date product was packaged; and
3. Name and address of establishment which prepared and packaged product.

(d) Section 3-301.11(B) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., specifies that food service employees shall not contact ready-to-eat food with bare hands. Under the language “When otherwise approved” in Section 3-301.11(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., food service employees may contact ready-to-eat foods with their bare hands if the operator of the public food service establishment maintains a written alternative operating procedure which addresses all of the following components:

1. through 2. No change.
3. Food service employees who handle ready-to-eat foods ~~with bare hands~~ must thoroughly wash their hands before returning to their work stations and as needed during their work periods in accordance with the handwash requirements of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Additionally, these food service employees who handle ready-to-eat foods with bare hands shall use a chemical hand sanitizing solution which must comply with the specification provided in Section 2-301.16(C) of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. The establishment must also fully comply with Sections 5-203.11(A) and 5-204.11 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., regarding the number and location of hand washing lavatories.
4. through 5. No change.
6. The division shall approve ~~each public food service establishment’s~~ written alternative operating procedures ~~procedure~~. Such approval may be obtained by completing DBPR Form HR 5022-049, ALTERNATIVE OPERATING PROCEDURE (AOP), incorporated herein by reference and effective 2009 October 15, which includes all information required in a written alternative operating procedure. DBPR Form HR 5022-049 is not required to obtain approval. The division will accept written procedures in another format as long as the written alternative operating procedure contains all the necessary information.

- (e) through (g) No change.
- (2) through (6) No change.

(7) Bathroom Facilities – All bathroom facilities shall provide easy and convenient access to both customers and employees, and shall be located on the same floor of the premises served. For the purpose of this rule, the same floor includes any intermediate levels between the floor and ceiling of any room or space not to exceed a vertical height of 8 feet.

Public food service establishments whose occupancy is incidental to another occupancy may use public bathroom facilities provided on the same floor. The travel distance may vary if adequate directional signs are provided and the number of fixtures is deemed satisfactory by the applicable local building authority. Easily cleanable receptacles shall be provided for waste materials and such receptacles in bathroom facilities for women shall be covered. Each public food service establishment shall maintain a minimum of one bathroom facility available for public use, except as provided herein:

- (a) through (d) No change.
- (8) No change.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NO.: 62-304.600
 RULE TITLE: Tampa Bay Basin TMDLs
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

- 62-304.600 Tampa Bay Basin TMDLs.
- (1) No change.
 - (2) Allen Creek (Tidal). The TMDL to address the low dissolved oxygen and nutrient impairments in Allen Creek (Tidal) is an annual average 0.97 ~~0.75~~ mg/L of total nitrogen (TN), and is allocated as follows:
 - (a) No change.
 - (b) The WLA for discharges subject to the Department’s NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 ~~52~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria

which, based on the measured concentrations from the 2000 to 2007 period, will require a 24.8 ~~52~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(3) No change.

(4) Alligator Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Alligator Creek is an annual average for TN of 0.87 ~~0.72~~ mg/L and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 ~~41~~ percent reduction of ~~for~~ TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 28.0 ~~41~~ percent reduction of ~~for~~ TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(5) Alligator Lake. The TMDLs to address the low dissolved oxygen and nutrient impairments in Alligator Lake are an annual average of 0.72 mg/L for TN and an ~~2.00 mg/L~~ ~~for~~ TN annual average median of 2.00 mg/L for 5-day biochemical oxygen demand (BOD₅), respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 ~~49~~ percent reduction and a 75.0 ~~46~~ percent reduction of ~~for~~ TN and BOD₅, respectively, at ~~of~~ sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 32.7 ~~49~~ percent reduction and 75.0 ~~46~~ percent reduction for TN and BOD₅, respectively, of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(6) No change.

(7) Bellows Lake Outlet (also known as East Lake Outfall). The TMDLs to address the low dissolved oxygen and nutrient impairments in Bellows Lake Outlet are an annual

average TN of 1.16 ~~1.40~~ mg/L, TP ~~of~~ 0.055 mg/L, and an annual average BOD₅ of 2.00 mg/L, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's Municipal Stormwater Permitting Program ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 42.4 ~~50~~ percent reduction of TN, a 53 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD₅ at ~~of~~ sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 42.4 ~~50~~ percent reduction of TN, a 53 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD₅ of sources that are contributing to exceedances of the criteria, and

(d) through (e) No change.

(8) Bellows Lake (also known as East Lake). The TMDLs to address the low dissolved oxygen (addresses downstream impairment) and nutrient impairments are an annual average TN of 1.40 mg/L, an annual average TP of 0.055 mg/L, and an annual average BOD₅ of 2.00 mg/L and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is~~ are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 30.5 ~~50~~ percent reduction of TN, a 33.3 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD₅ at ~~of~~ sources that are contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~are~~ is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations in the 2005-2006 period, will require a 30.5 ~~50~~ percent reduction of TN, a 33.3 ~~53~~ percent reduction in TP, and a 63.3 ~~68~~ percent reduction of ~~in~~ BOD₅ of ~~at~~ sources that are contributing to exceedances of the criteria, and

(d) through (e) No change.

(9) through (10) No change.

(11) Bishop Creek (Tidal). The TMDL to address the low dissolved oxygen impairments in Bishop Creek (Tidal) is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(12) No change.

(13) Brushy Creek. The TMDL to address the low dissolved oxygen impairment in Brushy Creek is an annual average 0.87 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) The WLA for the Hillsborough County Dale Mabry Advanced Wastewater Treatment Plant (FL0036820) is a five-year rolling annual average of 16,000 ~~54,794~~ lbs/year of TN.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 ~~32~~ percent reduction of TN at ~~of~~ sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 16.3 ~~32~~ percent reduction of TN at ~~of~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(14) through (15) No change.

(16) Bullfrog Creek (tidal). The TMDL to address the low dissolved oxygen and nutrients in Bullfrog Creek (tidal) is an annual average ~~total nitrogen (TN)~~ concentration of 0.80 ~~0.65~~ mg/L and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 ~~2006~~ period, will require a 45.6 ~~47~~ percent reduction of TN at ~~of~~ sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the Class III marine dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 ~~2006~~ period, will require a 45.6 ~~47~~ percent reduction of TN of ~~at~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(17) Cockroach Bay. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of 1.04 ~~0.54~~ mg/L and an annual average of 2.00 ~~mg/L~~ for TN and an annual average 2.0 ~~mg/L~~ for BOD₅, respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are ~~is~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 ~~54~~ percent reduction in current anthropogenic loadings of TN and a 50.6 ~~38~~ percent reduction in current anthropogenic loadings of BOD₅ of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources is are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from year 2000 to 2007, will require a 34.1 ~~54~~ percent reduction of TN and a 50.6 ~~38~~ percent reduction of BOD₅ of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(18) Coffee Pot Bayou. The TMDL to address the low dissolved oxygen and nutrient impairments are an annual average of 0.97 ~~0.63~~ mg/L and 2.00 mg/L for TN and BOD₅, respectively, and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the ~~2000-2007~~ 2000 to 2007 period, will require a 16.4 ~~33~~ percent reduction of TN and a 42.9 ~~40~~ percent reduction of BOD₅ of sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations from the ~~2000-2007~~ 2000 to 2007 period, will require a 16.4 ~~33~~ percent reduction of TN and a 42.9 ~~40~~ percent reduction of BOD₅ of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(19) No change.

(20) Cross Canal (North). The TMDL to address the low dissolved oxygen impairment in Cross Canal (North) is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 ~~55~~ percent reduction of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.6 ~~55~~ percent reduction of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(21) No change.

(22) Double branch. The TMDL to address the low dissolved oxygen and nutrient impairments in Double Branch is an annual average 0.97 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 ~~2008~~ period, will require a 26.0 ~~43~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 ~~2008~~ period, will require a 26.0 ~~43~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(23) Lake Tarpon Canal (Freshwater). The TMDL to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Freshwater) is an annual average 0.87 ~~0.75~~ mg/L of TN and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 ~~36~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrients criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 25.6 ~~36~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(24) Lake Tarpon Canal (Marine). The TMDLs to address the low dissolved oxygen and nutrient impairments in Lake Tarpon Canal (Marine) ~~is are~~ an annual average 0.97 ~~0.75~~ mg/L ~~and 0.18 mg/L~~ of TN ~~and TP, respectively~~, and ~~is are~~ allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction ~~of and 27 percent reduction~~ for TN ~~and TP, respectively~~, of sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 12.6 ~~33~~ percent reduction ~~of and 27 percent reduction~~ for TN ~~and TP, respectively~~, of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(25) through (26) No change.

(27) Lower Rocky Creek. The TMDL to address the low dissolved oxygen and nutrient impairments in Lower Rocky Creek is an annual average 0.97 ~~0.75~~ mg/L of TN_i and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 ~~55~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 41.2 ~~55~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(28) No change.

(29) Moccasin Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments in Moccasin Creek ~~is are~~ an annual average ~~0.97 0.75~~ mg/L ~~and 0.18 mg/L~~ of TN ~~and TP, respectively, and is are~~ allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~39.4 41~~ percent reduction ~~of and 40 percent reduction for~~ TN ~~and TP, respectively,~~ of sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~39.4 41~~ percent reduction ~~of and 40 percent reduction for~~ TN ~~and TP, respectively,~~ of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(30) through (31) No change.

(32) Mullet Creek (Tidal). The TMDL to address the low dissolved oxygen impairment in Mullet Creek Tidal is an annual average ~~0.97 0.75~~ mg/L of TN_x and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~18.5 37~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~18.5 37~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(33) No change.

(34) Smacks Bayou. The fecal coliform TMDL for Smacks Bayou is ~~43 400~~ counts/100mL, and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a ~~94 75~~ percent reduction ~~at of~~ sources contributing to exceedances of the criteria,

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1995 to 1996 period, will require a ~~94 75~~ percent reduction of sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(35) Smacks Bayou. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average of ~~0.97 0.63~~ mg/L and an annual average of 2.00 mg/L for TN and BOD₅, respectively. These TMDLs are applicable to sources in the 45th Avenue Northeast Canal subbasin and the 54th Avenue East Canal subbasin within the Smacks Bayou watershed and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program ~~is are~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the ~~2000 to 2007 1992 to 2005~~ period, will require a ~~32.2 54~~ percent reduction of TN and a ~~33.3 30~~ percent reduction of BOD₅ ~~at of~~ sources contributing to exceedances of the criteria.

(c) The LAs for nonpoint sources ~~are is~~ to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen and nutrient criteria which, based on measured concentrations in the canals from the ~~2000 to 2007 1992 to 2005~~ period, will require a ~~32.2 54~~ percent reduction of TN and a ~~33.3 30~~ percent reduction of BOD₅ ~~at of~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(36) No change.

(37) Sweetwater Creek. The TMDL to address the low dissolved oxygen impairment in Sweetwater Creek is an annual average ~~0.87 0.75~~ mg/L of TN_x and is allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~19.4 23~~ percent reduction of TN at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a ~~19.4 23~~ percent reduction of TN at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(38) Tampa Bypass Canal Tributary. The TMDLs to address the low dissolved oxygen and nutrient impairments in the Tampa Bypass Canal Tributary ~~is~~ ~~are~~ an annual average TN concentration of 1.16 ~~1.73~~ mg/L and an annual average TP concentration of 0.415 ~~mg/L~~ and ~~is~~ ~~are~~ allocated as follows:

(a) No change.

(b) The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the 2000 to 2007 period ~~year 2005~~, will require a 51.9 ~~34~~ percent reduction of TN and 34 ~~percent reduction of TP~~ at sources contributing to exceedances of the criteria.

(c) The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the dissolved oxygen criteria which, based on the measured concentrations from the year 2005, will require a 51.9 ~~34~~ percent reduction of TN and 34 ~~percent reduction of TP~~ at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NO.: 62-304.610 **RULE TITLE: Hillsborough River Basin TMDLs**
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

62-304.610 Hillsborough River Basin TMDLs.

(1) through (9) No change.

(10) Baker Creek. The Total Maximum Daily Loads (TMDLs) to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~23,652 pounds per year~~ of Total Nitrogen (TN) and an annual average 0.473 mg/L ~~2,342 pounds per year~~ of Total Phosphorus (TP) and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program ~~are~~ an ~~26.1~~ ~~80~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 14.7 ~~80~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at sources contributing to exceedances of the criteria,

(c) The Load Allocations (LAs) for nonpoint sources are ~~an~~ 26.1 ~~80~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 14.7 ~~80~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(11) Big Ditch. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~14,699 pounds per year~~ of TN and an annual average 0.473 ~~13,078 pounds per year~~ mg/L of TP and are allocated as follows:

(a) The WLAs for the ~~Hillsborough County~~ CF Industries, Inc. Plant City Chemical Complex (FL0000078) are a five-year rolling annual average of 1,800 ~~1,138~~ pounds per year of TN and a five-year rolling annual average of 5,438 ~~847~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 39.7 ~~76~~ percent reduction in anthropogenic loadings of TN and a 76.3 ~~76~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~2005 to 2006~~ period ~~at~~ ~~for~~ sources contributing to exceedances of the criteria,

(c) The LAs for nonpoint sources are a 39.7 ~~76~~ percent reduction in anthropogenic loadings of TN and a 76.3 ~~76~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~2005 to 2006~~ period ~~for~~ ~~at~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(12) Channelized Stream. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~4,821 pounds per year~~ of TN and an annual average 0.473 mg/L ~~2,135 pounds per year~~ of TP and are allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are ~~an~~ 52.1 ~~84~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 60.5 ~~84~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 period ~~at year 2005~~ ~~for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are ~~an~~ 52.1 ~~84~~ percent reduction in anthropogenic loadings of TN and ~~an~~ 60.5 ~~84~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 period ~~at year 2005~~ ~~for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(13) No change.

(14) Mill Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 1.16 mg/L ~~2,569 pounds per year~~ of TN and an annual average 0.473 mg/L ~~795 pounds per year~~ of TP and are allocated as follows:

(a) The WLAs for the ~~Kerry I & F Contracting Company Hillsborough County Crystals International, Inc.~~ (FL0037389) are a five-year rolling annual average 3,600 ~~48.9~~ pounds per year of TN and a five-year rolling annual average 431 ~~4.0~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are an 41.1 ~~80~~ percent reduction in anthropogenic loadings of TN and an 6.2 ~~80~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at ~~for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are an 41.1 ~~80~~ percent reduction in anthropogenic loadings of TN and an 80 ~~6.2~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period for sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(15) Spartman Branch. The TMDLs to address the low dissolved oxygen impairment is an annual average 1.16 mg/L ~~are 3,110 pounds per year of total TN and 531 pounds per year of TP~~ and is ~~are~~ allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is ~~are an~~ a 19.9 ~~80~~ percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at ~~for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources is a 19.9 ~~are an 80~~ percent reduction in anthropogenic loadings of TN and an 80 percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at ~~for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(16) No change.

(17) Trout Creek. The TMDLs to address the low dissolved oxygen and nutrient impairments are an annual average 0.87 mg/L ~~48,031 pounds per year~~ of TN and an annual average 0.181 mg/L ~~838 pounds per year~~ of TP and are allocated as follows:

(a) The WLAs for the ~~Hillsborough County~~ Pebble Creek Village Wastewater Treatment Facility (FL0039896) are a five-year rolling annual average 800 ~~1,827~~ pounds per year of TN and a five-year rolling annual average 411 ~~341~~ pounds per year of TP,

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program are a 33.3 ~~50~~ percent reduction in anthropogenic loadings of TN and a 1.4 ~~72~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at ~~for~~ sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources are a 33.3 ~~50~~ percent reduction in anthropogenic loadings of TN and a 1.4 ~~72~~ percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~1996 to 2002~~ period at ~~for~~ sources contributing to exceedances of the criteria, and

(d) through (e) No change.

(18) Two Hole Branch. The TMDLs to address the low dissolved oxygen and nutrient impairments is an annual average 1.16 mg/L ~~are 4,459 pounds per year of TN and 1,307 pounds per year of TP~~ and is ~~are~~ allocated as follows:

(a) No change.

(b) The WLAs for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is ~~are a~~ a 4.4 ~~61~~ percent reduction in anthropogenic loadings of TN and a 61 percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~period at years 2002 and 2005~~ for sources contributing to exceedances of the criteria, and

(c) The LAs for nonpoint sources is ~~are a~~ a 4.4 ~~61~~ percent reduction in anthropogenic loadings of TN and a 61 percent reduction in anthropogenic loadings of TP for the 2000-2007 ~~period at years 2002 and 2005~~ for sources contributing to exceedances of the criteria, and

(d) through (e) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.009
RULE TITLE: Osteopathic Faculty Certificate

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Rule 64B15-12.009, F.A.C., incorporated form DH-MQA 1193 into the rule. The rule did not state how the form may be obtained over the world wide web. The web address to obtain the form is www.doh.state.fl.us/mqa/osteopath/index.html.

Page one of the Application contains a typographical error. It cites "Title 42USCS subsection 666(a)(13)." The citation should be to "Title 42USCA subsection 666(a)(13)."

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above. The person to be contacted regarding this rule is: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.:

RULE TITLE:

64B16-26.351

Standards for Approval of Registered
Pharmacy Technician Training
Programs**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments received at the public hearings on the rule held November 16, 2009 and December 8, 2009. At the meeting held February 9 and 10, 2010, the Board voted on a substantial rewrite of the rule. The rule shall now read as follows:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the American Society of Health-System Pharmacists.

(b) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Southern Association of Colleges and Schools.

(c) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Florida Department of Education, or Florida Commission for Independent Education.

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion.

(e) Pharmacy technician training programs accredited, approved or licensed on or before January 1, 2011 by the Council on Occupational Education.

(2) All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA 1232 "Board of Pharmacy Registered Pharmacy Technician Training Program Provider Application," effective February 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application form the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>.

The application must be accompanied with a non-refundable application fee. The following objectives must be met:

(a) Program content:

1. Introduction to pharmacy and health care systems:

a. Confidentiality.

b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA).

2. Pharmacy law:

a. Federal law.

b. State law.

c. State rules.

d. Pharmacy technician rules and law.

3. Pharmaceutical medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention.

b. Prescriptions and medication orders.

4. Records management and inventory control:

a. Pharmaceutical supplies.

b. Medication labeling.

c. Medication packaging and storage.

d. Controlled substances.

e. Adjudication and billing.

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications.

b. Empathetic communications.

c. Ethics governing pharmacy practice.

d. Patient and caregiver communication.

6. Pharmaceutical calculations.

(b) Materials and Methods. Evidence satisfactory to the Board shall be presented that:

1. Learning experiences and teaching methods are appropriate to meet the content stated above.

2. Time allotted for each activity shall be sufficient for the participant to meet the objectives.

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(c) Faculty Qualifications.

1. The faculty shall provide evidence of academic preparation or experience in the subject matter.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be currently registered.

4. When an offering includes clinical practice training in Florida, a Florida licensed pharmacist competent in the practice area shall provide supervision.

(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.

(e) There shall be a designated person assuming responsibility for registered pharmacy technician training program. If the contact person is not a licensed pharmacist or registered pharmacy technician, provision should be made for insuring licensed pharmacist or registered pharmacy technician input in overall program planning and evaluation.

(f) Required documentation.

1. Providers shall establish written policies and procedures for implementation of the registered pharmacy technician training program.

2. Providers shall maintain a system of record-keeping which provides for storage of program information.

3. Records of programs shall be maintained for three years and be available for inspection by the board or department.

4. Providers shall furnish each participant with an authenticated individual Certificate of Completion.

5. Providers shall securely maintain all participant records and copies of certificates issued for a period of three years and said records shall be available for inspection by the board or department.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History--New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: RULE TITLE:
69L-5.231 Forms and Instructions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers
69O-125.006	Unfair Discrimination in Use of Credit Reports or Credit Scores by Insurers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 26, July 1, 2005 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-125.005	Use of Credit Reports and Credit Scores by Insurers

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 6, February 11, 2005 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-170.0155	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly. subsection 69O-170.0155(1)(l), F.A.C., is modified to change the revision date of Form OIR-B1-1802 from 09/09 to 02/10. Form OIR-B1-1802, adopted by this rule, is revised as follows: First, photographs will only be required of “visible and accessible” construction features, instead of all features. Second, references to after-market window films were removed from the opening protection section. Third, the requirement that professional engineers certifying the inspection form have passed a building code training examination was removed because it has been determined the

building code examination referenced in Section 627.711, F.S. (the source of this requirement) does not exist. Copies of the form are available from cindy.walden@floir.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-170.0155 Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

Rule 69O-170.0155(1)(k) is modified to change the revision date of Form OIR-B1-1655 from 09/09 to 02/10. Two changes were made to Form OIR-B1-1655, adopted by this rule. First, the paragraph titled “How can I take advantage of the discounts?” was modified to state that “homeowners will need a qualified inspector such as a general, building, or residential contractor ... to inspect the home....” Second, the sentence “There may be other inspection professionals available.” was deleted from the same paragraph. Copies of the form are available from cindy.walden@floir.com.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-175.008 Unfair Discrimination in Private
 Passenger Motor Vehicle Insurance
 Rates – Based on History of
 Accidents

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 4, January 30, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69V-40.003 Electronic Filing of Forms and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The rule has been revised to address comments from the staff of the Joint Administrative Procedures Committee. Subsections (5) and (6) have been added to the rule. In summary, the rule has been amended to set forth the types of technological or financial hardships that will enable a person to obtain an exemption from electronic filing requirements.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-40.003 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at www.floir.com.

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person’s technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request must be legible and include the applicant’s or licensee’s name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-40, F.A.C., by filing a petition under Rule 28 106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

(5) The Office shall grant a request for an exemption from the electronic filing requirements of this rule if the circumstances provided in paragraph (a) or (b) exist and the requestor has filed a written statement signed by the individual requestor, or a control person if the applicant or licensee is a legally formed entity.

(a) To qualify for the exemption based solely on a technological hardship the requestor must provide a signed written statement indicating the following circumstances exist:

- 1. The requestor does not possess adequate computer skills necessary to navigate the internet and complete an online application form; or
- 2. The requestor does not own or have access to, personally or through public sources, a computer.

(b) To qualify for the exemption based solely on a financial hardship the requestor must provide a signed written statement indicating the following circumstances exist:

- 1. The requestor is financially unable to afford the cost of purchasing a computer;
- 2. The requestor is financially unable to afford the cost of hiring a consultant to assist with the completion of the online application form; or

3. The requestor does not possess a credit card or checking account as a means of making an online payment over the internet.

(6) The Office shall provide written notice to a requestor informing him or her whether or not an exemption has been granted pursuant to this rule. An exemption granted in accordance with this rule shall be valid for 365 calendar days from the date of the written notice. If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in subsection (5) of this rule.

Rulemaking Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History--New 10-21-08, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69V-560.1013 Electronic Filing of Forms and Fees
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The rule has been revised to address comments from the staff of the Joint Administrative Procedures Committee. Subsections (5) and (6) have been added to the rule. In summary, the rule has been amended to set forth the types of technological or financial hardships that will enable a person to obtain an exemption from electronic filing requirements.

THE FULL TEXT OF THE PROPOSED RULE IS:

69V-560.1013 Electronic Filing of Forms and Fees.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office’s website at www.flofr.com.

(2) All forms adopted under paragraphs 69V-560.1012(1)(a) through (1)(g), F.A.C., must be filed electronically with the Office through the REAL system.

(3) All fees required to be filed with the Office under Chapter 69V-560, F.A.C., must be paid electronically through the REAL System.

(4) Any person may request an exemption from the petition for a waiver of the requirement of electronic filing requirements of this rule by submitting a written request to: Office of Financial Regulation, Division of Finance, Bureau of Regulatory Review, 200 E. Gaines Street, Tallahassee, Florida 32399-0351. The request must set forth the person’s technological or financial hardship that makes it difficult for the person to file forms and pay fees electronically. The request

must be legible and include the applicant’s or licensee’s name, contact person, address and telephone number. The Office of Financial Regulation will provide any person granted an exemption under this subsection with instructions on how to file forms and fees in paper format of any form or fee under Chapter 69V-560, F.A.C., by filing a petition under Rule 28 106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

(5) The Office shall grant a request for an exemption from the electronic filing requirements of this rule if the circumstances provided in paragraph (a) or (b) exist and the requestor has filed a written statement signed by the individual requestor, or a control person if the applicant or licensee is a legally formed entity.

(a) To qualify for the exemption based solely on a technological hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor does not possess adequate computer skills necessary to navigate the internet and complete an online application form; or

2. The requestor does not own or have access to, personally or through public sources, a computer.

(b) To qualify for the exemption based solely on a financial hardship the requestor must provide a signed written statement indicating the following circumstances exist:

1. The requestor is financially unable to afford the cost of purchasing a computer;

2. The requestor is financially unable to afford the cost of hiring a consultant to assist with the completion of the online application form; or

3. The requestor does not possess a credit card or checking account as a means of making an online payment over the internet.

(6) The Office shall provide written notice to a requestor informing him or her whether or not an exemption has been granted pursuant to this rule. An exemption granted in accordance with this rule shall be valid for 365 calendar days from the date of the written notice. If a licensee wishes to extend an exemption for an additional 365 days, a new request must be submitted in writing before the expiration of the current exemption. Each subsequent request to continue an exemption will be evaluated based on the criteria specified in subsection (5) of this rule.

Rulemaking Specific Authority 560.105 FS. Law Implemented 560.105 FS. History--New 1-13-09, Amended _____.

Section IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: RULE TITLE:
5CER10-1 Temporary Restrictions on
 Importation of Horses from Equine
 Piroplasmosis Endemic Areas

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On October 20, 2009, the Texas Animal Health Commission announced that a Texas horse exhibiting clinical signs of Equine Piroplasmosis (EP) had been diagnosed with the disease. In subsequent testing, in multiple counties in South Texas, over 280 horses have been determined to be positive for the disease. Since this time over 25 positive premises have been identified in Texas and since then 18 additional premises in 14 states including Florida have had positive EP cases related to this single outbreak. Health requirements have previously been placed on horses moving from Texas to Florida to prevent the spread of EP and competent vector ticks. This rule is necessary to impose the same health requirements on horses from Texas and any other locations, regions, states, or U. S. possessions where EP is determined to be endemic, based on known positive cases, prevalence of disease, presence of competent vectors, and/or evidence of natural transmission of the disease.

EP is considered a foreign animal disease, not endemic to the United States. EP is a blood-borne parasitic disease primarily transmitted between horses by ticks or contaminated needles and is not directly contagious from one horse to another. Currently, EP is considered an untreatable disease and under state and federal agreement, all horses testing positive for EP must be quarantined for life or be euthanized. Ticks are the natural method of transmission of EP and those tick species which are known to be efficient at transmitting the EP organism are not believed to exist in Florida. If the tick vectors, detected in endemic areas, become established in Florida and facilitate the spread of EP among Florida's 500,000 horses, the impact would be devastating.

Acutely affected horses can have depression, fever, anemia (decreased red blood cells) jaundiced (yellow) mucous membranes and low platelet counts and can die from the disease. In its milder form, EP can also cause horses to have roughened hair coats, constipation, colic, generalized weakness and lack of appetite. Some horses become chronic carriers of the disease showing little clinical signs but having the ability to transmit the disease to other horses via ticks. Treatment of infected horses has not been shown to be effective in eliminating the organism (*Theileria equi*) and infected horses must remain under quarantine.

In an EP incident in Florida in 2008-2009 the Department spent over 4,800 hours managing the disease and testing more than 200 horses. During the incident the owners of 20 positive horses elected to euthanize their animals. Additional industry losses were incurred as many horses were not imported into Florida during the peak winter show season and Canada required testing on Florida horses. While the disease investigation was costly, the impact was much less than could have been the case if a tick vector was present to spread the disease. Currently, it costs Texas more than \$14.0 million dollars a year in its efforts to eradicate a tick which transmits an EP like disease in cattle.

If EP infected horses or a species of tick efficient at transmitting the disease were established in the state countless Florida horses would have to be euthanized or quarantined for life. In addition, many states and countries would not allow importation of Florida's horses, potentially ruining the equine industry which produces goods and services of over \$3.0 billion per year.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule is fair and justified because it takes only the necessary actions to protect the public health, safety, and welfare by preventing the introduction and spread of this dangerous and transmissible disease and its vectors. The rule requires that horses intended for movement to Florida from locations, regions, states, or U. S. possessions where EP is determined to be endemic, must be inspected and found free of ticks, be treated with a registered pesticide, and test negative for Equine Piroplasmosis. The rule also provides an exemption for horses that leave the state destined for endemic areas, but return to the state within 30 days. The Department is undertaking an aggressive campaign to notify the public about the implementation of this rule. The Department is currently in the process of amending Chapter 5C-3, F.A.C., through formal rulemaking in an effort to incorporate similar provisions for a more permanent solution.

SUMMARY: This rule places restrictions upon the importation of horses from localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic, to ensure they are not infected with Equine Piroplasmosis (*T. equi*) or infested with tick vectors capable of transmitting this disease to other horses in Florida. The requirements in this rule are in addition to the import requirements set forth in Chapter 5C-3, Florida Administrative Code.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800, phone (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER10-1 Temporary Restrictions on Importation of Horses from Equine Piroplasmosis Endemic Areas.

(1) Official Certificate of Veterinary Inspection (OCVI). Notwithstanding paragraph 5C-3.002(1)(c), F.A.C., for equine from localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic, the inspection date of the Official Certificate of Veterinary Inspection (OCVI) that must accompany equine imported into or through the State of Florida shall be issued no more than 14 days prior to the entry of the equine into the state. The OCVI must also include the following statement: “All animals identified on this certificate have not been on a premises found positive for *Theileria equi* or under quarantine within the past 30 days, have been inspected and found free of ticks, and have been thoroughly treated with an approved acaricide labeled for use in equine within 14 days of entry.”

(2) Testing. All horses imported into Florida from localities, regions, states or U.S. Possessions, where Equine Piroplasmosis (EP) is determined to be endemic must be accompanied by evidence of a negative CELISA test for *Theileria equi* (*Babesia equi*), performed at the United States Department of Agriculture, Animal and Plant Health Inspection Service, National Veterinary Services Laboratories (USDA-APHIS-NVSL) or other laboratory authorized by the USDA-APHIS- NVSL. The blood sample for the test must be taken within 30 days prior to entry into Florida. The result and accession number must be listed on the OCVI.

(3) Tick Vectors. All equine identified on the OCVI as originating from localities, regions, states or U.S. Possessions, where Equine Piroplasmosis (EP) is determined to be endemic must be examined for and found free of ticks and must be thoroughly treated for ticks with an United States Environmental Protection Agency (EPA) registered acaricide labeled for use in horses.

(4) Exemption. Equine from Florida consigned to localities, regions, states or U.S. Possessions where Equine Piroplasmosis (EP) is determined to be endemic that are returned to Florida within 30 days of the issuance of the Florida OCVI are exempt from the requirements of this rule.

(5) The Commonwealth of Puerto Rico and the Virgin Islands of the United States have been determined to be endemic for Equine Piroplasmosis (EP) and equine moved from these areas to Florida are subject to the requirements of paragraphs 5C-3.003(2)(b) and (4)(b), F.A.C. Pursuant to §585.14, Florida Statutes, the Division of Animal Industry, under the direction of the State Veterinarian, shall publish notice of other localities, regions, states, or U.S. possessions, where Equine Piroplasmosis (EP) is determined to be endemic on its website (www.flanimalindustry.com) and in the Florida Administrative Weekly as necessary.

PROPOSED EFFECTIVE DATE: February 17, 2010.

Rulemaking Authority 570.07(21), (23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New _____.

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

EFFECTIVE DATE: February 17, 2010

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-2
 RULE TITLE: Instant Game Number 1050, \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE

SUMMARY: This emergency rule describes Instant Game Number 1050, “\$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-2 Instant Game Number 1050, \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE.

(1) Name of Game. Instant Game Number 1050, “\$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE.”

(2) Price. \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets sell for \$5.00 per ticket.

(3) \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:



(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30

(6) The prize symbols and prize symbol captions are as follows:

\$2.00	\$5.00	\$10.00	\$20.00	\$25.00	\$50.00	\$100
\$200	\$500	\$1,000	\$2,500	\$10,000	\$250,000	

(7) The legends are as follows:

WINNING NUMBERS	YOUR NUMBERS
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(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown. A ticket having a symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a \$500 Bass Pro Shops® Gift Card.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$2,500, \$10,000, \$250,000

and

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1050 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 55 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	660,000
\$2 x 5	\$10	30.00	220,000
\$5 x 2	\$10	30.00	220,000
\$10	\$10	30.00	220,000
\$2 x 10	\$20	300.00	22,000
(\$5 x 2) + \$10	\$20	300.00	22,000
\$5 x 4	\$20	300.00	22,000
\$10 x 2	\$20	300.00	22,000
\$20	\$20	300.00	22,000
\$5 x 5	\$25	300.00	22,000
(\$5 x 3) + \$10	\$25	400.00	16,500
\$5 + (\$10 x 2)	\$25	400.00	16,500
\$5 + \$20	\$25	400.00	16,500
\$25	\$25	400.00	16,500
(\$2 x 5) + (\$5 x 6) + \$10 (TROPHY)	\$50	685.71	9,625
(\$2 x 5) + (\$5 x 6) + \$10	\$50	685.71	9,625
\$10 x 5	\$50	685.71	9,625

\$10 + (\$20 x 2)	\$50	685.71	9,625
\$50	\$50	774.19	8,525
(\$5 x 8) + (\$10 x 2) + (\$20 x 2) (TROPHY)	\$100	2,000.00	3,300
(\$5 x 8) + (\$10 x 2) + (\$20 x 2)	\$100	2,000.00	3,300
\$10 x 10	\$100	2,000.00	3,300
\$20 x 5	\$100	2,000.00	3,300
\$50 x 2	\$100	2,181.82	3,025
\$100	\$100	2,181.82	3,025
(\$10 x 4) + (\$20 x 8) (TROPHY)	\$200	3,000.00	2,200
\$20 x 10	\$200	3,000.00	2,200
\$25 x 8	\$200	3,000.00	2,200
(\$10 x 6) + (\$20 x 2) + (\$50 x 2) FISH SYMBOL = \$500 Gift Card	\$500	2,640.00	2,500
(\$100 x 8) + (\$50 x 4) (TROPHY)	\$1,000	120,000.00	55
(\$100 x 8) + (\$50 x 4)	\$1,000	120,000.00	55
(\$100 x 5) + \$500	\$1,000	120,000.00	55
\$500 x 2	\$1,000	120,000.00	55
\$1,000	\$1,000	120,000.00	55
(\$100 x 8) + (\$500 x 3) + \$200 (TROPHY)	\$2,500	330,000.00	20
\$1,000 x 2 + \$500	\$2,500	660,000.00	10
\$500 x 5	\$2,500	660,000.00	10
\$2,500 x 4	\$10,000	1,650,000.00	4
\$1,000 x 10	\$10,000	1,320,000.00	5
\$10,000	\$10,000	3,300,000.00	2
\$250,000	\$250,000	1,650,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 1050 are 1 in 4.14. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1050, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 2-5-10.

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

EFFECTIVE DATE: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-3
 RULE TITLE: Instant Game Number 1035, LOTERIA®

SUMMARY: This emergency rule describes Instant Game Number 1035, "LOTERIA®," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-3 Instant Game Number 1035, LOTERIA®.

(1) Name of Game. Instant Game Number 1035, "LOTERIA®."

(2) Price. LOTERIA lottery tickets sell for \$2.00 per ticket.

(3) LOTERIA lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning LOTERIA lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A.C.

(4) The "CALLER CARDS" prize symbols and prize symbol captions are as follows:



(5) The legend is as follows:

CALLER CARDS

(6) Determination of Prizewinners.

(a) A ticket having four play symbols and corresponding play symbol captions in any one horizontal or vertical line in the "PLAYING BOARD" area that match four play symbols and corresponding play symbol captions in the "CALLER CARDS" play area shall entitle the claimant to the prize shown for that line.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$200 and \$20,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1035 are as follows:

GAME PLAY	WIN	1 IN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 40 POOLS OF TICKETS PER POOL
\$2	\$2	9.38		768,000
\$5	\$5	15.00		480,000
\$10	\$10	50.00		144,000
\$5 + \$10	\$15	150.00		48,000
\$20	\$20	150.00		48,000
\$5 + \$20	\$25	360.00		20,000
\$10 + \$20	\$30	360.00		20,000
\$50	\$50	1,200.00		6,000
\$10 + \$50	\$60	3,600.00		2,000
\$5 + \$20 + \$50	\$75	3,600.00		2,000
\$100	\$100	1,440.00		5,000
\$5 + \$20 + \$100	\$125	7,200.00		1,000
\$50 + \$100	\$150	22,500.00		320
\$200	\$200	7,200.00		1,000
\$5 + \$20 + \$200	\$225	60,000.00		120
\$50 + \$200	\$250	60,000.00		120
\$100 + \$200	\$300	60,000.00		120
\$50 + \$100 + \$200	\$350	90,000.00		80
\$20,000	\$20,000	480,000.00		15

(8) The estimated overall odds of winning some prize in Instant Game Number 1035 are 1 in 4.66. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 1035, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for LOTERIA lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History— New 2-5-10.

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

EFFECTIVE DATE: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-4
 RULE TITLE: Instant Game Number 1059, LUCKY BUCKS DOUBLER

SUMMARY: This emergency rule describes Instant Game Number 1059, "LUCKY BUCKS DOUBLER," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-4 Instant Game Number 1059, LUCKY BUCKS DOUBLER.

(1) Name of Game. Instant Game Number 1059, "LUCKY BUCKS DOUBLER."

(2) Price. LUCKY BUCKS DOUBLER lottery tickets sell for \$1.00 per ticket.

(3) LUCKY BUCKS DOUBLER lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning LUCKY BUCKS DOUBLER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER10-1, F.A. C.

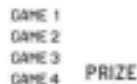
(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:



(6) The legends are as follows:



(7) Determination of Prizewinners.

(a) There are four games on a ticket. Each game is played separately. A ticket having two like numbers and corresponding number symbol captions in the same game shall entitle the claimant to the prize shown for that game. A ticket

having a "DOUBLE" symbol in a game shall entitle the claimant to double the prize shown for that game.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$1,000 and \$3,000.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 1059 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 50 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	11.11	1,080,000
\$1 (MONEYBAG)	\$2	37.50	320,000
\$1 x 2	\$2	60.00	200,000
\$2	\$2	37.50	320,000
\$1 x 4	\$4	300.00	40,000
\$1 (MONEYBAG) + \$2	\$4	150.00	80,000
\$2 (MONEYBAG)	\$4	150.00	80,000
\$2 x 2	\$4	300.00	40,000
\$4	\$4	300.00	40,000
(\$1 x 3) + \$2	\$5	750.00	16,000
\$1 + \$2 (MONEYBAG)	\$5	750.00	16,000
\$1 + (\$2 x 2)	\$5	750.00	16,000
\$1 + \$4	\$5	750.00	16,000
\$5	\$5	750.00	16,000
\$2 + \$4 (MONEYBAG)	\$10	500.00	24,000
(\$2 x 3) + \$4	\$10	500.00	24,000
\$5 (MONEYBAG)	\$10	500.00	24,000
\$5 x 2	\$10	500.00	24,000
\$10	\$10	500.00	24,000
\$5 (MONEYBAG) + \$10	\$20	1,500.00	8,000
\$5 x 4	\$20	1,500.00	8,000
\$10 (MONEYBAG)	\$20	1,500.00	8,000
(\$5 x 2) + \$10	\$20	1,500.00	8,000
\$20	\$20	1,500.00	8,000
(\$5 x 2) + (\$10 x 2)	\$30	8,000.00	1,500
\$5 (MONEYBAG) + (\$10 x 2)	\$30	8,000.00	1,500
\$10 x 3	\$30	8,000.00	1,500
\$10 (MONEYBAG) + \$10	\$30	8,000.00	1,500
\$10	\$30	8,000.00	1,500
\$30	\$30	8,000.00	1,500
\$10 (MONEYBAG) + \$20	\$40	9,600.00	1,250
\$20	\$40	9,600.00	1,250
\$10 x 4	\$40	9,600.00	1,250
\$20 (MONEYBAG)	\$40	9,600.00	1,250
(\$10 x 2) + \$20	\$40	9,600.00	1,250
\$40	\$40	9,600.00	1,250
(\$20 x 3) + \$20 (MONEYBAG)	\$100	12,000.00	1,000

(\$30 x 2) + \$40	\$100	16,000.00	750
\$20 + (\$40 x 2)	\$100	20,000.00	600
\$20 + \$40			
(MONEYBAG)	\$100	16,000.00	750
\$100	\$100	16,000.00	750
\$30			
(MONEYBAG) +			
\$30			
(MONEYBAG) +			
(\$40 x 2)	\$200	120,000.00	100
\$40 + \$40			
(MONEYBAG) +			
\$40			
(MONEYBAG)	\$200	120,000.00	100
\$100			
(MONEYBAG)	\$200	120,000.00	100
\$100 x 2	\$200	120,000.00	100
\$200	\$200	120,000.00	100
\$200 + \$200			
(MONEYBAG) +			
\$200			
(MONEYBAG)	\$1,000	240,000.00	50
\$1,000	\$1,000	240,000.00	50
\$3,000	\$3,000	240,000.00	50

(9) The estimated overall odds of winning some prize in Instant Game Number 1059 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1059, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for LUCKY BUCKS DOUBLER lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History— New 2-5-10.

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

EFFECTIVE DATE: February 5, 2010

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER10-5
 RULE TITLE: Bass Pro Shops® Outdoor Adventure Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Bass Pro Shops® Outdoor Adventure Second Chance Drawing between February 9, 2010 and June 16, 2010, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-5 Bass Pro Shops® Outdoor Adventure Second Chance Drawing.

(1) Beginning Tuesday, February 9, 2010, players can enter their non-winning Florida Lottery \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE Scratch-Off ticket(s) in the Bass Pro Shops® Outdoor Adventure Second Chance Drawing on the Florida Lottery Web site to win an outdoor adventure trip of a lifetime.

(2) Four second chance drawings will be held between March 10 and June 16, 2010 from entries received by midnight the night before each drawing. Entries will be good for one drawing only. The draw dates are:

Drawing	Draw Date	From Entries Received
<u>1</u>	Wednesday, March 10, 2010	February 9 – March 9, 2010
<u>2</u>	Wednesday, April 7, 2010	March 10- April 6, 2010
<u>3</u>	Wednesday, May 5, 2010	April 7- May 4, 2010
<u>4</u>	Wednesday, June 16, 2010	May 5 – June 15, 2010

(3) In each of the four (4) Bass Pro Shops® Outdoor Adventure Second Chance Drawings, one (1) grand prize of a Bass Pro Shops® sponsored outdoor adventure trip and ten (10) second prizes of \$1,000 in Bass Pro Shops® gift cards will be awarded. A grand total of four (4) outdoor adventure trips and forty (40) Bass Pro Shops® \$1,000 gift card prizes will be awarded in the second chance drawings.

(4) Each outdoor adventure winner will choose his/her own adventure trip, at an estimated \$17,295 value, from the packages listed below. Each of the adventure trip prizes includes first-class round trip airfare for 2 to 4 people (depending on the trip selected), ground transportation to and from destination airport to the adventure location, complete accommodations, activities and a cash spending allowance (amount varies by trip.) Trip arrangements are based on availability of each component of the trip prize. The trip options are:

(a) Florida Redfish – Five (5) day trip for up to four (4) people.

(b) Key West Sport Fishing – Five (5) day trip for Four (4) People.

(c) Colorado White Water Rafting – Five (5) day trip for four (4) people.

(d) Alaska Angling Adventure – Five (5) day trip for two (2) people.

(e) South Dakota Pheasants/Grouse/Partridge – Five (5) day trip for four (4) people.

(f) Big Cedar® Lodge – Five (5) day trip for up to four (4) people.

(5) To enter a non-winning ticket into the Bass Pro Shops® Outdoor Adventure Second Chance Drawing, visit the Florida Lottery's Web site at flalottery.com, click on the Bass Pro Shops® Outdoor Adventure Second Chance Drawing icon and follow the directions.

The ticket number is located above the play instructions on the front of a \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE Scratch-Off ticket. Scratch off the latex covering to reveal the 24-digit ticket number. Winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE tickets cannot be used for entry in the second chance drawings. The odds of winning are dependent upon the number of entries received.

Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time, for one entry in the Bass Pro Shops® Outdoor Adventure Second Chance Drawings.

Tickets should not be mailed to the Lottery unless players are contacted by the Florida Lottery and requested to do so. Non-winning tickets received in the mail by the Florida Lottery will not be entered into the drawing and will not be returned.

(6) The 11 prizewinners in each Bass Pro Shops® Outdoor Adventure Second Chance Drawing will be posted on flalottery.com after the draw. Prizewinners will have 180 days from the applicable draw date to claim their prize. The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility of claiming a prize remains with the player. The right to claim a prize cannot be assigned to another person or entity.

All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Bass Pro Shops® Outdoor Adventure prize, the player must submit to the Lottery the original valid non-winning \$250,000 BASS PRO SHOPS® OUTDOOR ADVENTURE ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form DOL 173-2, or Spanish Winner Claim Form DOL 173-2S, as referenced in Rule 53ER10-1, and appropriate identification. Winners of the Outdoor Adventure trips must also submit a notarized Florida Lottery Release and Authorization Form DOL-474, revised

10/08, herein incorporated by reference which may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

The \$1,000 gift card prizes will be mailed to each winner's address within approximately 15 business days after the claim has been filed with the Lottery. Adventure trip winners will be provided a prize certificate containing the name of a travel representative from the Lottery's prize fulfillment company to be contacted for making reservations for the adventure trip.

(7) Federal income tax withholding on the value of the outdoor adventure prize package will be paid by the Florida Lottery. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner.

(8) A cash option of \$17,295 is available in lieu of the adventure trip prizes. Federal income tax withholding will be deducted from the cash prize.

(9) If the winner of a prize is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in accordance with section 24.115, Florida Statutes. If the debt of an outdoor adventure winner is an amount less than the cash option value of \$17,295, the winner shall receive the excess cash value after applicable federal withholding tax has been deducted and the debt has been satisfied. If the debt is an amount greater than the prize, the entire cash value of the prize remaining after deduction of applicable federal withholding tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(10) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder, including the official Bass Pro Shops® Outdoor Adventure Second Chance Drawings rule.

(11) Players must be at least 18 years of age. Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to play.

(12) By entering the Bass Pro Shops® Outdoor Adventure Second Chance Drawings, a player gives his or her permission for the Florida Lottery to provide the player's address and telephone number to the Lottery's prize fulfillment company for prize fulfillment purposes.

(13) By entering the Bass Pro Shops® Outdoor Adventure Second Chance Drawings, a player gives his or her permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(14) The Bass Pro Shops® Outdoor Adventure second chance drawings shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent

certified public accounting firm. The results of each drawing will be available after the drawing on the Florida Lottery's Web site at flalottery.com.

Rulemaking Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 2-5-10.

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

EFFECTIVE DATE: February 5, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A Petition for Waiver of Rule 11B-35.0024, F.A.C., was received from Santa Fe Community College, on December 21, 2009. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 1, January 8, 2010. Santa Fe Community College (hereafter Petitioner) petitioned to waive the requirement in the rule that all aspects of the CJSTC-6 CMS form be completed. The Petitioner requested a permanent waiver to cover all Defensive Tactics courses taught from May 20, 2005 to September 22, 2009. The Petitioner stated that its instructors met all the requirements for correctly teaching the defensive tactics courses at issue, but failed to completely fill in all aspects of the CJSTC-6 CMS forms for courses taught during the time in question.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of the failure to complete the CJSTC-6 CMS forms. The Commission found that the purposes of the underlying statute, to ensure that criminal justice training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of a clerical, as opposed to tactical training, requirement. Accordingly, the Commission granted Petitioner's request for a waiver of Rule 11B-35.0024, F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

NOTICE IS HEREBY GIVEN THAT on February 4, 2010, the Criminal Justice Standards and Training Commission has issued an order.

Seminole State College of Florida (hereafter Petitioner) petitioned for a permanent waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C. The rule requires that students in Florida Basic Recruit Training Courses requiring demonstration of proficiencies in firearms to shoot a B-21E target or equivalent in order to successfully complete the firearms component of training. Notice of the Petition was published in the Florida Administrative Weekly, Vol. 36, No. 4, January 29, 2010. Petitioner wished to waive the requirement in the rule requiring a B-21E target or equivalent. The Petitioner's firearms range did not use the B-21E, but did use targets that were marketed by PRIDE as equivalent to the B-21E. Those targets were determined by Commission staff not to be equivalent to the B-21E target. Petitioner wished to waive this rule and have the PRIDE targets that were used by Petitioner until November 9, 2009, deemed to be equivalent to the B-21E target for purposes of this rule section. Petitioner argued that any differences between the targets are minimal and that no officer who qualified on the PRIDE targets was given any advantage by reason of so doing.

The Commission found that the Petitioner's situation is unique. The Petitioner demonstrated that the strict application of the Commission's rules in this case would violate the principles of fairness resulting in the need to requalify many working officers who suffered no disability in training as a result of using the PRIDE targets. The Commission found that the purposes of the underlying statute, to ensure that criminal justice high liability firearms training is carried out uniformly throughout all Commission-certified training schools, would be served by permitting a waiver of the target number requirement. Accordingly, the Commission granted Petitioner's request for a waiver of subparagraph 11B-35.0024(3)(c)2., F.A.C., on February 4, 2010, at its regularly scheduled Business Agenda meeting in Lake Mary, Florida.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32327, (850)410-7676.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the South Florida Water Management District (District), received a petition for waiver from AT&T Florida, Application No.: 09-1217-2, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, to allow for installation of temporary poles on the north and south rights of way of C-51 while Palm Beach County is widening the bridge at State Road 7 and State Road 80, Sections 1 and 36, Township 43, 44 South and Range 41, 42 East, Palm Beach County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the use of the District's Right of Way for placement of above-ground permanent and/or semi-permanent facilities within 40 feet from top of bank within Works or Lands of the District and paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of above-ground facilities within 100 feet upstream and downstream of pile supported crossings.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the features requested are not required under the new rules for elevators traveling 25 feet or less, as submitted by BJ Savard-Boyer, Wiggins Pass West Condo. Assoc. and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-682).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to James M. Chadwick, MLF Towers, St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-700).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Newton, SunSeair Condominium, St. Pete Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-701).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Melvin Van Dyke, Vantage Pointe Condominiums, Daytona Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-704 & 720).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Thomas P. Reardon, Brynnwood Condominium I Assoc., Inc., Palm Harbor, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until August 1, 2010 (VW 2009-705).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Cynthia J. Soderlund, Esq., Glades Tower Condo Assoc., Inc., Boca Raton, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 30, 2010 (VW 2009-709).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Judy Butterfield, North Shore Normandy Assoc., Inc., St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-710).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Steven Froot, 218 Royal Palm Way, Palm Beach, FL, to not comply with Rules 3.11.3 and 3.10.3, ASME A17.3, 1996 edition until December 31, 2012 (VW 2009-712).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Fred Arce, The Prince of Marco Island, Marco Island, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until July 10, 2010 (VW 2009-713).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Gerald T. Panagrossi, Cove Cay Village IV, Clearwater, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until June 1, 2014 (VW 2009-714).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Carolyn F. Stringer, DEP Florida Geological Survey, Tallahassee, FL, to

not comply with Rules 3.11.3, 3.10.4(t), 3.3.2, 3.10.3 and 3.4.4(a)(1), ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-716).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a permanent variance to Carolyn F. Stringer, DEP Florida Geological Survey, Tallahassee, FL, to not comply with Rule 2.3.1(a), ASME A17.3, 1996 edition (VW 2009-717).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Anita A. Danna, Port Belleair #4, Largo, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until September 30, 2010 (VW 2009-721).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mrs. C. Turner, Aliko Atrium Condominium, Ormond Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until December 31, 2011 (VW 2009-725).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has requested a variance of statute, which the agency has no statutory authority to grant, as submitted by Christopher Lutton, Bok Tower Gardens and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-731).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Alex Cohen, Bermuda Cay Condominium Assoc., Inc., Boynton Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2009-794).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Alice L. Levin, Sandcastle Condominium, Jacksonville Beach, FL, to not comply with Rule 2.7.4, ASME A17.3, 1996 edition until November 15, 2010 (VW 2009-795).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a permanent variance to Paul Komie, Ocean Parks Condo Assoc., Inc., Jupiter, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 (VW 2009-826).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Weronika Giadla, Ritz Resort Motel, Clearwater Beach, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2012 (VW 2009-831).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has met its burden as the requested completion date has already

passed, as submitted by Lee Rigby, Embarq and, as specified in Section 120.542, Florida Statutes, titled Petition for Variances and Waivers (VW 2009-833).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, Intrepid Condo Assoc., St. Pete Beach, FL, to not comply with Rules 3.11.3 and 2.7.4, ASME A17.3, 1996 edition until July 1, 2011 (VW 2009-834).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to William Snyder, Weatherly Condo Assoc., St. Pete Beach, FL, to not comply with Rules 3.11.3, 2.7.4 and 3.10.4(t), ASME A17.3, 1996 edition until January 1, 2012 (VW 2009-835).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Sherry K. Clifton, Oceanside Inn Beach Resort Condo Assoc., Inc., Daytona Beach, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 15, 2015 (VW 2010-002).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Stan Shull, Land Trust Riverside, Cocoa, FL, to not comply with Rule 8.6.5.8, ASME A17.1, 2004 edition until May 1, 2010 (VW 2010-003).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 9, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Grace Denton, Veranda Beach Club, Longboat Key, FL, to not comply with Rule 3.11.3, ASME A17.3, 1996 edition until November 1, 2011 (VW 2010-004).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Maggie M. Schultz, Esq., St. Petersburg Kennel Club, Inc., St. Petersburg, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until January 1, 2013 (VW 2010-006).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to Mark Stitch, World Center Marriott, Orlando, FL, to not comply with Rules 3.11.3, 3.10.4(t), 3.11.1(a)(2) and 2.7.4, ASME A17.3, 1996 edition until January 1, 2013 (VW 2010-007).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That order granted a variance to James Frampton, Florida Rock Industries, Inc., Jacksonville, FL, to not comply with Rules 3.11.3, ASME A17.3, 1996 edition until December 31, 2011 (VW 2010-019).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, SFCC Auditorium, Avon Park, FL, requests the

variance for installation requirements for two traction elevators. The petition was received from Lee Rigby, Agent (VW 2010-033).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 20, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from A17.1, Section 2.20.4 and 2.24.2.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Health Sciences Bldg., St. Augustine, FL, requests the variance for installation requirements for one traction two-landing elevator. The petition was received from Lee Rigby, Agent (VW 2010-034).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency temporary variance from A17.3, Section 3.11.3 and 2.7.4, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, 300 West Adams Building, Jacksonville, FL, and location of the Serial Number 497-98, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Rich Trendel, Property Manager (VW 2010-035).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 21, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for an emergency permanent variance from A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Village at Secret Lake, Kissimmee, FL, and location of the Serial Number 97596-601 and 97613-36, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Lee Rigby, Agent (VW 2010-036).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a permanent variance from an unspecified Section of A18.1, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, St. Johns County Courthouse, St. Augustine, FL, requests the variance for installation of three wheelchair lifts. The petition was received from Don Birdsall, Agent (VW 2010-037).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Sections 2.7.4, 3.10.4(t), 3.11.1(a)(2), and 3.3.2, and from A17.1, Section 204.7(a), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Imperial Park Condo, Inc., Clearwater, FL, and location of the Serial Number 9108, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Sheron Nichols, CAM (VW 2010-038).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 25, 2010, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety received a petition for a temporary variance from A17.3, Section 3.11.1(a)(2), as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C. The petitioner, Beau Monde, St. Pete Beach, FL, and location of the Serial Number 10018-19, requests the variance for an extension of time to complete repairs and for economic/financial hardship. The petition was received from Marilyn Ward, President (VW 2010-039).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN THAT on January 28, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for an emergency variance on January 14, 2010 for subsection 61C-4.010(7) and paragraph 61C-1.004(2)(a), Florida Administrative Code, from Cold Stone Creamery, Orlando, FL. The above referenced F.A.C. addresses the requirement that at least one accessible

bathroom be provided for use by customers. They are requesting to utilize bathrooms located on the same level over 300 feet away for customers.

The variance request was published in Vol. 36, No. 05, February 5, 2010 and approval is contingent upon the petitioner ensuring the bathrooms located within the Florida Mall food court are maintained in a clean and sanitary manner and are available during all hours of operation; and install directional signage in the establishment clearly stating the location of the bathrooms.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on January 28, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

The Department received a Petition for an Emergency Variance on January 11, 2010 for Section 509.221(1)(b), Florida Statutes, Paragraph 4-301.12(A), 2001 FDA Food Code, paragraph 61C-1.004(1)(d), Florida Administrative Code, Paragraph 5-202.11(A), 2001 FDA Food Code, Section 5-203.13, 2001 FDA Food Code, subsections 61C-4.010(5), and 61C-1.004(1), Florida Administrative Code, from Crepe Royale, Orlando, FL. The above referenced F.A.C. addresses the requirements that each establishment have facilities for washing, rinsing and sanitizing dishes and utensils; discharge sewage into an approved collection system; and install an approved plumbing system. They are requesting to install potable and waste water holding tanks and share warewashing and mop wash facilities with another licensed public food service within the same enclosed building.

The variance request was published in Vol. 36, No. 04, January 29, 2010 and approval is contingent upon the petitioner ensuring the dishwashing facility and mop sink located within Orlando FoodService Partners-Main Kitchen are maintained in a clean and sanitary manner and provided with hot and cold running water under pressure and available during all hours of operation. The waste water holding tanks must be emptied at a frequency as to not create a sanitary nuisance; and the potable water provided must come from an approved source and be protected from contamination during handling. The petitioner shall only operate within the enclosed building of the arena. If the owner of Orlando FoodService Partners-Main Kitchen changes, an updated signed agreement for use of the dishwashing and mop sink facility is required immediately.

A copy of the Order may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on February 3, 2010, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Section 509.221(1)(b), Florida Statutes, subsection 61C-1.004(1), paragraph 61C-1.004(1)(d), Florida Administrative Code, and Paragraph 5-202.11(A), 2001 FDA Food Code from Amway Center (Sky and Ozone Bar), Orlando, FL. The above referenced F.A.C. addresses the requirement to discharge water or wastewater into an approved plumbing system installed according to law. They are requesting to install potable and waste water holding tanks at the hand wash sinks in two portable bars.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

NOTICE IS HEREBY GIVEN THAT on January 8, 2010, the Board of Veterinary Medicine, received a petition for Edwin A. Bayo, Esquire, on behalf of Rita Montano, seeking a variance or waiver of subsection 61G18-11.002(4), Florida Administrative Code, which requires that the candidate for licensure must receive a passing score on each portion of the examination based on the laws and rules in effect at the time of application.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Board of Veterinary Medicine within 14 days of publication of this notice.

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 IS HEREBY GIVEN THAT on January 26, 2010, the Florida Department of Environmental Protection has issued an order.

On January 26, 2010, 7-Eleven, Inc. operating at 8338 Narcoossee Road, Orlando, Florida withdrew its petition for temporary variance of the requirements of subsection 62-761.510(5), Florida Administrative Code, to allow operation of the facility past the upgrade deadline of December 31, 2009, until local permits were issued. No variance/waiver order was issued. Petition was received on December 2, 2009, and was assigned OGC Case #09-4010. The notice of receipt of the petition was published in the December 18, 2009, Florida Administrative Weekly. No comments were received.

A copy of the Order may be obtained by contacting: John Svec, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #4525, Tallahassee, Florida 32399-2400, (850)245-8845, e-mail: john.svec@dep.state.fl.us, for a copy of anything in this file.

NOTICE IS HEREBY GIVEN THAT on January 28, 2010, the Department of Environmental Protection, received a petition for a variance from Hillsborough County regarding the Southeast County Landfill Waste Tire Processing Facility. The County is seeking a variance from the requirements of paragraph 62-711.530(2)(a), F.A.C., which limits the total number of waste tires that may be stored on-site.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Richard Tedder, Department of Environmental Protection, Solid Waste Section, MS #4565, 2400 Blair Stone Road, Tallahassee, Florida 32399, (850)245-8735, email: richard.tedder@dep.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on January 27, 2010, the Department of Environmental Protection has issued an order.

The Department of Environmental Protection gives notice that a variance, OGC File No.: 09-3766, has been granted to Ms. Rebecca Matthey, Director of Utilities, 1900 2nd Avenue, North, City of Lake Worth, Florida 33461, from the prohibition of construction of Class I, underground injection control wells within a five hundred foot radial setback distance around a public drinking water supply well as referenced in subsection 62-521.200(7), and paragraph 62-521.400(1)(f), F.A.C. The project is located at the Lake Worth Water Treatment Plant, 300 College Street, Lake Worth, Florida. The applicant has demonstrated that a substantial hardship will be incurred if the variance were not granted. Ground water sampling will be conducted during injection well construction to monitor any changes in ground water quality. The petition was received on October 26, 2009, and notice of receipt was published in the Florida Administrative Weekly on November 20, 2009.

A copy of the Order may be obtained by contacting: George Heuler at (850)245-8657.

NOTICE IS HEREBY GIVEN THAT on January 8, 2010, the Department of Health has issued an order.

The Department determines that it is appropriate to grant Petitioner's request for a determination of emergency and temporary waiver of subsection 64B-1.003(9), F.A.C., and to allow Petitioner's employee CDR candidate Joni Deanne Keams, to re-take the CDR examination one time prior to January 15, 2010.

A copy of the Order may be obtained by contacting: Ferronda Burke, Regulatory Program Administrator, Department of Health, 4052 Bald Cypress Way, Bin #C90, Tallahassee, FL 32399-1703.

NOTICE IS HEREBY GIVEN THAT on February 8, 2010, the Board of Acupuncture, received a petition for permanent waiver of subsection 64B1-6.005(2), F.A.C., from Andrew Gaeddert, with respect to Continuing Education Classes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kaye Howerton, Executive Director, at the below address, or at telephone number (850)245-4161. Comments on this petition should be filed with the Board of Acupuncture, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3256, within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on December 15, 2009, the Department of Children and Families, received a petition for waiver of subparagraph 65C-13.030(5)(j)3., Florida Administrative Code, from Hillsborough Kids, Inc., and Michael and Patricia Miller, assigned Case No.: 09-041W. subparagraph 65C-13.030(5)(j)3., F.A.C., which provides that a caregiver in a licensed foster home may not have a DUI-related driving offense within the past five years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 9, 2010, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental

budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 30, 2010, Museums Level 1 and Projects; March 31, 2010, Museums Level 2; April 2, 2010, Museums Level 3; April 5, 2010, Dance Levels 1 and 2; April 6, 2010, Dance Level 3 and Projects; April 8, 2010, Arts in Education; April 12, 2010, Media Arts Level 1, 2 and 3 and Projects; April 14, 2010, Underserved Cultural Community Development; April 15, 2010, Multidisciplinary Levels 1 and 2 and Literature Level 2; April 16, 2010, Multidisciplinary Level 3 and Projects; April 20, 2010, Culture Builds Florida; April 22, 2010, Community Theatre Levels 1, 2 and 3 and Projects; April 23, 2010, Professional Theatre Levels 1,2 and 3 and Projects; April 27, 2010, Visual Arts Levels, 1, 2 and 3, and Projects; April 29, 2010, Folk Arts Projects; May 4, 2010, Music Levels 1 and 2; May 6, 2010, Music Levels 3 and Projects; May 7, 2010, Sponsor/Presenter Levels 1, 2, and 3 and Projects; May 18, 2010, Local Arts Agencies/State Service Organizations, 9:00 a.m. – 5:00 p.m. or until conclusion of business (Please note: These meetings are subject to change or cancellation; please call to confirm the meeting date and time) **PLACE:** All meetings will be held via teleconference. Please visit our website: <http://www.florida-arts.org/grants/panels/teleconference.instructions.html>, for more instructions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review grant applications for the 2010-2011 Specific Cultural Projects and General Program Support grant programs.

A copy of the agenda may be obtained by contacting: Division of Cultural Affairs at (850)245-6470 or by visiting the Division's website: www.florida-arts.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke at (850)245-6470. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399, (850)245-6470.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday March 9, 2010, 10:00 a.m.

PLACE: Florida Citrus Mutual, 302 S. Massachusetts Ave., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of Florida Agriculture in the Classroom, Inc. will meet for a regularly scheduled board meeting.

A copy of the agenda may be obtained by contacting: Lisa Gaskalla at email: gaskalla@ufl.edu.

The **Florida Tobacco Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 1, 2010, 4:30 p.m.

PLACE: Florida Farm Bureau Suwannee, 407 Dowling Avenue, S. E., Live Oak, Florida 32064, (386)362-1274

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general Council business and funding for 2010.

A copy of the agenda may be obtained by contacting: 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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting 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 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marshall Wiseheart at (850)488-4366.

The Florida **Citrus Production Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday March 3, 2010, 10:30 a.m.

PLACE: Conference Call: 1(888)808-6959 and when prompted enter 4873444 followed by the # key to join the call

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss council issues, research, and funding for the year.

A copy of the agenda may be obtained by contacting: 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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting 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 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Marshall Wiseheart at (850)488-4366.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 16, 2010, 10:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Blvd., 5th Floor, Tallahassee, FL 32301. Conference Call: 1(888)808-6959, Conference Code: 4884033#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kim Norgren, 1203 Governor's Square Blvd., 5th Floor, Tallahassee, FL 32301, (850)488-4033.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kim Norgren at (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces a public meeting to which all persons are invited.

DATES AND TIME: February 22-24, 2010, 9:00 a.m. – 5:00 p.m. (times subject to change)

PLACE: TBA, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda or additional meeting location information may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Triplett at (850)245-3320.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the

proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

A copy of the agenda may be obtained by contacting: Yolanda Triplett at (850)245-3320.

The **Articulation Coordinating Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 24, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Passcode: 2459483#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the agenda may be obtained by contacting: Office of Articulation, 325 W Gaines Street, Ste 1401, Tallahassee, Florida 32399-0400, (850)245-0427.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dr. Shruti Graf at (850)245-7820, shruti.graf@fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Rehabilitation Council** announces a telephone conference call to which all persons are invited.

DATES AND TIMES: March 2, 2010, Public Awareness, 9:30 a.m. – 11:30 a.m.; Legislative, 2:00 p.m. – 4:00 p.m.; March 3, 2010, Executive, 9:00 a.m. – 11:00 a.m.; March 4, 2010, Evaluation, 9:30 a.m. – 11:30 a.m.; March 10, 2010, Planning, 9:30 a.m. – 11:30 a.m.; March 11, 2010, Coordination, 9:30 a.m. – 11:30 a.m.

PLACE: DVR Headquarters, 2002-A Old St. Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda or additional meeting location information may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Triplett at (850)245-3320.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person

decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

A copy of the agenda may be obtained by contacting: Yolanda Triplett at (850)245-3320.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, February 26, 2010, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Staybridge Suites, 1600 Summit Lake Drive, Tallahassee, Florida 32317, (850)219-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Florida Public Archaeology Network** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 1-2, 2010, 8:00 a.m. – 5:00 p.m.; March 3, 2010, 8:00 a.m. – 12:00 Noon

PLACE: FPAN, 207 E. Main St., Pensacola FL 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning Workshop for FPAN Board of Directors, all FPAN staff, and consultant to develop a strategic plan for FPAN future.

A copy of the agenda may be obtained by contacting: Cheryl Phelps, FPAN Office Administrator at (850)595-0050, Fax: (850)595-0052, email: cphelps@uwf.edu.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cheryl Phelps, FPAN Office Administrator at (850)595-0050, Fax: (850)595-0052, email: cphelps@uwf.edu.

The **Florida State College at Jacksonville District**, Board of Trustees announces the following Executive Session and meetings to which the public is invited.

STRATEGIC CONVERSATION:

DATE AND TIME: March 2, 2010, 12:00 Noon – 2:00 p.m.

PLACE: Kent Campus, Room E-112A, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Course Delivery Strategies.

REGULAR MONTHLY BOARD MEETING:

DATE AND TIME: March 2, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: Kent Campus, Room D-120, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

EXECUTIVE SESSION:

DATE AND TIME: March 2, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Kent Campus, Room D-111, 3939 Roosevelt Blvd., Jacksonville, FL 32205

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Session and Board discussion regarding the Faculty Collective Bargaining Agreement and related labor matters pursuant to Section 447.605, Florida Statutes (2009). Pursuant to Section 447.605, Florida Statutes (2009), the Executive Session is closed to the public and exempt from the requirements of Section 286.011, Florida Statutes (2009). Documents prepared for the Executive Session pertaining to faculty collective bargaining are confidential and exempt from Section 119.07(1), Florida Statutes (2009).

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, February 23, 2010, and copies will be provided upon written request and the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. All objections to this notice or the propriety of the scheduled public meetings should be filed in writing: College President, Florida State College at Jacksonville, on or before March 2, 2010. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting. Any person

wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of March and April 2010, the Board will hold informal meetings each Thursday, 12:00 Noon – 4:00 p.m. at the Administrative Offices, Room 403A, for the purpose of discussing College business as appropriate. The College does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission**, Subcommittee on Training announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 2, 2010, 10:00 a.m. – 12:00 Noon

PLACE: This is a telephone conference call which can be attended via the internet and telephone. Go to the web site: <https://www2.gotomeeting.com/join/544992403>, then dial 1(888)808-6959, Password: 3768998, Meeting ID: 544-992-403

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ongoing projects from the State Emergency Response Commission Sub Committee on Training project board. Agenda forthcoming.

A copy of the agenda may be obtained by contacting: Division of Emergency Management at (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399, (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 23, 2010, 2:00 p.m. (EST)

PLACE: Florida Department of Law Enforcement Headquarters, 2331 Phillips Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council's Victim/Witness Protection (VWP) Review Committee will hold a "CLOSED" conference call meeting of its members to discuss pending VWP funding requests.

A copy of the agenda may be obtained by contacting: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, FL 32302, (850)410-7096.

For more information, you may contact: Government Analyst Joyce Gainous-Harris at (850)410-7096.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 26, 2010, 3:00 p.m. (EST) – conclusion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Room 176, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FTC Officers Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS #9, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: March 1, 2010, 1:00 p.m. (EST) – conclusion of business

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Meeting.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, Florida 32399-0450, (850)414-4105.

The **Florida Transportation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: March 2, 2010, 8:30 a.m. (EST) – conclusion of business

PLACE: Florida Department of Transportation, 605 Suwannee Street, Executive Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Transportation Commission Workshop.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Room 176, MS #9, Tallahassee, Florida 32399-0450, (850)414-4105.

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."

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 10, 2010, 8:30 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Investment Committee Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 10, 2010, 10:30 a.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Prepaid College Foundation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 10, 2010, 12:30 p.m. or soon thereafter – until completion

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by faxing a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board at (850)488-3555. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

PUBLIC SERVICE COMMISSION

NOTICE OF CHANGE – The Florida **Public Service Commission** announces that the public customer meeting in Docket No.: 090414-WU previously scheduled for Wednesday, March 10, 2010, 6:00 p.m., has been rescheduled as set out below. All interested persons are invited to attend.

DATE AND TIME: Thursday, March 18, 2010, 6:00 p.m.

PLACE: Chain of Lakes Complex (Poolside Room), 210 Cypress Gardens Boulevard, Winter Haven, Florida 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No.: 090414-WU – Application for staff-assisted rate case in Polk County by Pinecrest Ranches, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Ralph Jaeger at (850)413-6234 (legal questions) or Lydia Roberts at (850)413-6877 (technical questions).

Emergency Cancellation of Customer Meeting: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Drug Control** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 4, 2010, 1:30 p.m. – 2:30 p.m.

PLACE: Room 2105, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Prescription Drug Monitoring Program Direct Support Organization.

A copy of the agenda may be obtained by contacting: Claude Shipley at (850)414-8820.

For more information, you may contact: Claude Shipley at (850)414-8820.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Monday, March 15, 2010, 4:00 p.m.; Executive Committee, 3:00 p.m. prior to the regular meeting

PLACE: Niceville City Hall, 208 North Partin Drive, Niceville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Council.

A copy of the agenda may be obtained by contacting: WFRPC at 1(800)266-8914, (850)332-7976 or www.wfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: terry.joseph@wfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Terry Joseph, Executive Director, WFRPC, e-mail: terry.joseph@wfrpc.org.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2010, 10:30 a.m.

PLACE: Suwannee Valley Transit Authority Board Room, 1907 Voyles Street, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Suwannee County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2010, 1:30 p.m.

PLACE: Santa Fe Meeting Room, Florida Department of Transportation District 2 Jeffery Maintenance Complex, 710 Lake Jeffery Road, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Columbia County Transportation Disadvantaged Coordinating Board.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 business days before the workshop/meeting by contacting: (352)955-2200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: March 4, 2010, Planning and Growth Management Committee, 8:30 a.m.; Personnel, Budget & Finance Committee, 9:00 a.m.; Full Board of Directors, 10:00 a.m.; Legislative Committee immediately following the Board Meeting (Please check our website for any changes in meeting times)

PLACE: 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meetings.

A copy of the agenda may be obtained by contacting: Sheron Forde at (904)279-0880 or sforde@nefrc.org.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 4, 2010, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC Lower West Coast Watersheds Implementation Committee will hold its regular monthly meeting to discuss water quality issues affecting Southwest Florida.

A copy of the agenda may be obtained by contacting: Mr. David Crawford at (239)338-2550, #226 or dcrawford@swfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Deborah Kooi at (239)338-2550, #210 or dkooi@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Mr. James Beever at (239)338-2550, #224 or jbeever@swfrpc.org.

The **South Florida Regional Planning Council** announces a public meeting of The State Road 7/U.S. 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, March 11, 2010, 2:00 p.m. – 3:30 p.m.

PLACE: Broward County Government Center, 115 S. Andrews Avenue, Room 430, Ft. Lauderdale, FL 33301, (954)357-6608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained online at www.sfrpc.com/sr7/htm or by contacting: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Regional Planning Council at (954)985-4416. If you are hearing or speech impaired, please contact the agency at (954)967-4152, ext. 40 (TDD).

If any person decides to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces a telephone conference call to which all persons are invited.

DATES AND TIME: March 1, 2010; March 29, 2010; April 26, 2010, 1:00 p.m.

PLACE: District Headquarters

GENERAL SUBJECT MATTER TO BE CONSIDERED: SRWMD Governing Board Monthly Teleconference: General Items of Discussion.

Please visit: www.mysuwanneeriver.com to verify call in procedures and meeting updates.

For more information, you may contact: Lisa Cheshire or Kristel Callahan at (386)362-1001.

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, March 8, 2010, 1:00 p.m., Governing Board Workshop

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Informational workshop on Water Conservation. Note: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Julie Green, 4049 Reid Street, Palatka, FL 32177, (386)329-4240 or by visiting District website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 8, 2010, Projects & Land Committee, immediately following Governing Board Workshop which begins at 1:00 p.m.

PLACE: District Headquarters, Governing Board Room, Executive Building, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Projects & Land Committee business meeting will begin at the conclusion of the 1:00 Governing Board Workshop to discuss agenda items followed by Committee recommendations to be approved by the full Governing Board. In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, March 9, 2010, 8:00 a.m. at District Headquarters. NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, (386)329-4347, or by visiting the District website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, March 9, 2010, 8:15 a.m., Chairwoman's Meeting; 9:00 a.m., Finance, Administration and Audit Committee; 10:00 a.m., Regulatory Committee; 1:00 p.m., Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District Business including regulatory and non-regulatory matters. Staff may recommend approval of external budget amendments which affect the adopted budget. NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Marji Hightower, 4049 Reid St., Palatka, FL 32177, (386)329-4214 or by visiting District website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 29, 2010, 1:30 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Executive Director, or his designee, will conduct a public meeting to receive public comment on pending applications for individual consumptive use permits or individual environmental resource permits. An agenda will be available at least 7 days before the meeting which will identify those permit applications for which the District will receive public testimony or information.

A copy of the agenda may be obtained by contacting: RIM (Division of Regulatory Information Management), St. Johns River Water Management District, Attention: Vicki Young, 4049 Reid Street, Palatka, FL 32177, (386)329-4523 or by visiting District website: www.sjrwmd.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District (SWFWMD)** announces a workshop to which all persons are invited.

DATE AND TIME: Saturday, February 27, 2010, 10:00 a.m.

PLACE: Green Swamp Wilderness Preserve's Hampton Tract, 18490 Rock Ridge Road, Lakeland FL 33809

GENERAL SUBJECT MATTER TO BE CONSIDERED: "Get Outside!" event to promote recreational activities on District lands. One or more Governing, Basin Board or Advisory Committee members may attend.

A copy of the agenda may be obtained by contacting: www.WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702, TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Toi.Basso@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4756 (Ad Order EXE0015).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 1, 2010, 3:30 p.m.

PLACE: Southwest Florida Water Management District, Conference Rooms A & B, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4227.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: (352)796-7211 or 1(800)423-1476 (Florida Only), extension 4702; TDD (Florida only) 1-800-231-6103; or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 2, 2010, 9:00 a.m.

PLACE: Tampa Service Office, 7601 US Highway 301 North, Tampa, Florida 33537-6749

GENERAL SUBJECT MATTER TO BE CONSIDERED: Permit # Project Name

20006667.010 Heart Groves, Inc.

20011921.005 Caren Heller Barness Land Holding

43024745.004 FDOT State Road 93 (I-275) from North of US 41 to South of State Road 56

43034972.000 Anderson Columbia Rock Yard

43035220.000 Town of Belleair – Bayview Drive Shoreline Improvements

43035274.000 411 East Shore Commercial Docks

A copy of the agenda may be obtained by contacting: Patty McLeod, Southwest Florida Water Management District, PMO, 2379 Broad Street, Brooksville, FL 34609-6749, (352)796-7211, ext. 4346 or 1(800)423-1476 (FL Only), ext. 4346.

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 3, 2010, 9:30 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 Hwy. 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Basin Board Education Committee Meeting – consider committee business.

A copy of the agenda may be obtained by contacting: www.WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: SWFWMD Human Resources Director at 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Toi.Basso@watermatters.org 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4756 (Ad Order EXE0016).

The **Southwest Florida Water Management District (SWFWMD)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 8, 2010, 1:00 p.m., Environmental Advisory Committee

PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City, FL 33525

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFWMD meeting to discuss committee business.

A copy of the agenda may be obtained by contacting: SWFWMD Planning Department, 2379 Broad Street, Brooksville, FL 34604-6899, 1(800)423-1476 (FL Only) or Teri Hudson at (352)796-7211, ext. 4402.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Human Resources Director at 1(800)423-1476, ext. 4702; TDD (FL Only) 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: SWFWMD at the above address or phone numbers.

The **Big Cypress Basin** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2010, 9:00 a.m.

PLACE: North Collier Regional Park, North Collier Exhibit Hall, 15000 Livingston Road, Naples, Florida 34109

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board business.

A copy of the agenda may be obtained by contacting: Kathleen Tetrault at (239)263-7615.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Kathleen Tetrault at (239)263-7615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kathleen Tetrault at (239)263-7615.

The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2010, 9:00 a.m. – 4:00 p.m.

PLACE: Four Points Sheraton – Chateau Elan, 150 Midway Dr., Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Rick Smith at (561)682-6517 or at our website: <http://my.swfwmd.gov/wrac>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Lower West Coast Regional Water Supply Plan – WRAC, Issues Workshop** announces a public meeting to which all persons are invited.

DATE AND TIME: March 5, 2010, 9:30 a.m. – 12:00 Noon

PLACE: SFWMD Lower West Coast Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lower West Coast Overview of Water Supply Planning requirements and update process. Public water supply population projections and Water demands for agricultural, commercial and recreational use. Goal and proposed objectives for LWC Plan Update Minimum Flows and Levels, reservations, and status of CERP projects.

A copy of the agenda may be obtained by contacting: Terry Bengtsson at email: tbengtss@swfwmd.gov or (239)338-2929.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF THE LOTTERY

The **Department of the Lottery** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 1, 2010, 3:00 p.m.

PLACE: 250 Marriott Drive, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lottery will open the vendor proposals submitted for RFP 06-09/10, Operational Security Studies and Evaluation Services, and read aloud the names of the submitting vendors.

A copy of the agenda may be obtained by contacting: Rhett Frisbie at (850)487-7710 or by going to the Department of the Lottery's website: www.flalottery.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Rhett Frisbie at (850)487-7710 or by going to the Department of the Lottery's website: www.flalottery.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 12, 2010, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, Fort Knox Complex, 2727 Mahan Drive, Bldg. 3, Conference Room A, Tallahassee, FL 32308, Conference Call: 1(877)328-7346, Conference ID: 54901019#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid Reform Technical Advisory Panel Meeting. All parties are encouraged to attend.

A copy of the agenda may be obtained by contacting: Susan Whitmire at email: whitmirs@ahca.myflorida.com or call (850)412-4670.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Susan Whitmire at (850)412-4670.

DEPARTMENT OF MANAGEMENT SERVICES

The **DMS – Division of Telecommunications**, E911 Board announces the following meeting schedule information whereby two (2) or more Board members will be in attendance and the following meeting schedule:

911 Telecommunications Meeting

DATE AND TIME: February 26, 2010, 10:00 a.m. – 2:00 p.m.

PLACE: Santa Fe College, 3737 N. E. 39th Avenue, Gainesville, FL

If accommodation due to disability is needed in order to participate, please notify: DMS – Division of Telecommunications Office/E911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **DMS – Division of Telecommunications**, E911 Board announces the following meeting schedule information to which all interested persons are invited.

E911 Board Meetings:

DATES AND TIME: June 16-17, 2010, 9:00 a.m. – until conclusion of business

PLACE: Bayside Inn, 9300 Emerald Coast Parkway West, Destin, FL

DATES AND TIME: July 13, 2010, 2:00 p.m. – conclusion of business; July 14, 2010, 9:00 a.m. – conclusion of business, this day is designated for Wireless Service Provider Cost Recovery Proposals, however if time permits Board could discuss other issues as public meeting; July 15, 2010, 9:00 a.m. – conclusion of business

PLACE: Renaissance @ Sea World, 6677 Sea Harbor Drive, Orlando, FL

DATES AND TIME: August 18-19, 2010, 9:00 a.m. – conclusion of business

PLACE: World Golf Village, 500 South Legacy Trail, St. Augustine, FL

DATES AND TIME: September 15-16, 2010, 9:00 a.m. – conclusion of business

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL

DATES AND TIME: October 11-14, 2010, 9:00 a.m. – conclusion of business

PLACE: Embassy Suites, 225 Shorecrest Drive, Altamonte Springs, FL

DATES AND TIME: November 17-18, 2010, 9:00 a.m. – conclusion of business

PLACE: Embassy Suites @ USF, 3705 Spectrum Boulevard, Tampa, FL

DATES AND TIME: December 15-16, 2010, 9:00 a.m. – conclusion of business

PLACE: Rosen Shingle Creek, 9939 Universal Boulevard, Orlando, FL

If accommodation due to disability is needed in order to participate, please notify the DMS – Division of Telecommunications/E911 Board in writing at least five (5) days in advance at: 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **FSECC Statewide Steering Committee** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, March 1, 2010, 1:00 p.m. – 5:00 p.m.; Thursday, March 4, 2010, 9:00 a.m. – 12:00 Noon; Friday, March 5, 2010, 9:00 a.m. – 12:00 Noon; Friday, March 12, 2010, 9:00 a.m. – 12:00 Noon; Tuesday, March 16, 2010, 1:30 p.m. – 5:00 p.m.; Friday, March 19, 2010, 1:30 p.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 166 (March 1st Only). DMS Building, 4050 Esplanade Way, Room 101 (March 4, 5, 12, 16, 19, 2010)

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Old Business.
- New Business.
- Brief update on the draft revisions to Rule 60L-39, F.A.C.
- Steering Committee reviews and votes on recommendations for the receipt of undesignated funds for the following umbrella groups and their member charitable organizations: America's Charities, Community Health Charities, Earth Share, Neighbor to Nation and Independent Unaffiliated Agencies.

A copy of the agenda may be obtained by contacting: Ms. Erin Thoresen at (850)922-1274 or by emailing: Erin.Thoresen@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Erin Thoresen at (850)922-1274 or by emailing: Erin.Thoresen@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Erin Thoresen at (850)922-1274 or email: Erin.Thoresen@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: February 23, 2010, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jeffrey J. Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

The **Construction Industry Licensing Board** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, March 9, 2010, 10:00 a.m. or soon thereafter

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879516#

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, March 10, 2010, 12:00 Noon; Thursday, March 11, 2010, 8:00 a.m.; Friday, March 12, 2010, 8:00 a.m. or soon thereafter

PLACE: Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Andy Janecek, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)922-2701.

The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 17, 2010, 4:00 p.m.; March 18, 2010, 8:30 a.m.; March 19, 2010, 8:30 a.m.

PLACE: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Ave., Cocoa Beach, FL 32931, 1(800)526-2609

GENERAL SUBJECT MATTER TO BE CONSIDERED: March 17, 2010: Probable Cause Panel (portions closed to the public); March 18, 2010: Discipline and General Business; and March 19, 2010: General Business.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)487-8304.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 1, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe Street, Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board Office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Professional Geologists** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, February 26, 2010, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 9226020#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application review and general board business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 1, 2010, 9:00 a.m. or soon thereafter

PLACE: Division of Real Estate, Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public. All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five (5) days before the workshop/meeting by contacting: Division of Real Estate at (407)481-5632. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, February 8, 2010, 9:30 a.m. or the soonest thereafter

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an emergency private meeting to review cases to determine probable cause.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772. Only public portions of the agenda are available upon request.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 hour before the workshop/meeting by contacting: Division of Real Estate at (407)481-5662. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 8, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4513843#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Oceans and Coastal Council will meet to further its duties under the Oceans and Coastal Resources Act.

A copy of the agenda may be obtained by contacting: Becky Prado by e-mail: rebecca.prado@dep.state.fl.us or call (850)245-2094 or by mail: 3900 Commonwealth Blvd., MS #235, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Becky Prado at rebecca.prado@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Environmental Regulation Commission announces a hearing to which all persons are invited.

DATE AND TIME: May 20, 2010, 9:00 a.m.

PLACE: 3900 Commonwealth Blvd., Douglas Building, Conference Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: At the December 1, 2009, meeting of the Environmental Regulation Commission (ERC), the ERC passed a motion to continue the rule adoption hearing for revisions to Chapter 62-640, Florida Administrative Code (F.A.C.), to a future ERC meeting. The above scheduled hearing will be a continuation of the hearing to adopt revisions to Chapter 62-640, F.A.C. The Department is proposing to amend Chapter 62-640, F.A.C., which contains regulations for domestic wastewater residuals (biosolids), to improve biosolids land application site accountability and management, address growing nutrient concerns, and support public confidence in the beneficial use of biosolids. While the Department is proposing numerous revisions to Chapter 62-640, F.A.C., the primary proposed changes include requiring site permitting for biosolids land application sites, requiring nutrient management plans, and requiring distributed and marketed Class AA biosolids to be fertilizers.

A copy of the agenda may be obtained by contacting: Kay Buchanan at (850)245-2293 or by going to the DEP website: <http://www.dep.state.fl.us/legal/ERC>. The agenda will be posted ten days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kay Buchanan at (850)245-2293. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Maurice Barker, FDEP, 2600 Blair Stone Rd., MS #3540, Tallahassee, FL 32399, (850)245-8614, maurice.barker@dep.state.fl.us.

DEPARTMENT OF HEALTH

The **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 12, 2010, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2454131#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Karen Miller at (850)245-4640, ext. 8180 or email: Karen_Miller2@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NOTICE OF CHANGE – The **Department of Health, Board of Occupational Therapy** announces a meeting to which the public may attend. A meeting or portion of a probable cause panel meeting is public only if a case or cases are public by reason of reconsideration.

DATES AND TIME: August 2, 2010; October 18, 2010, 8:00 a.m. or soon thereafter

PLACE: Capital Circle Office Center, 4042 Bald Cypress Way (new location), Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting.

A copy of the agenda for the public portion of the meeting may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board office at (850)488-0595. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Orthotists and Prosthetists** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 12, 2010, 9:00 a.m., and will be held by telephone conference call if necessary

PLACE: Embassy Suites, 9300 Baymeadows Road, Jacksonville, Florida 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/orthPros/index.html.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Department of Health** announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, April 6, 2010, 10:00 a.m.

PLACE: Room 225Q, Bald Cypress Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department will receive public comments on proposed changes to Chapter 64E-26, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Leslie L. Harris, 4052 Bald Cypress Way, BIN #A08, Tallahassee Florida 32399-1721, (850)245-4271 or by email: Leslie_Harris@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN #A08, Tallahassee, FL 32399-1710,

(850)245-4277. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a public meeting to which all persons are invited.

DATES AND TIME: Friday, April 30, 2010; Friday, July 30, 2010; Friday, October 29, 2010, 8:30 a.m.

PLACE: Department of Children and Families, Room 307A, 2295 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lee County Community Alliance meetings, to which all interested persons are invited.

A copy of the agenda may be obtained by contacting: Dr. Mary Hart at (239)590-7758.

For additional information or pursuant to Section 286.26, if you are a qualified individual with a disability and need special accommodations to participate in this meeting, contact: Robert McHarry at (239)338-1431, Department of Children and Families at least 48 hours in advance of the meeting.

NOTICE OF CHANGE – The **Council on Homelessness** announces a change in the date and time of one of its noticed committee calls. The Legal and Law Committee Call previously noticed for Friday, March 5, 2010, 10:00 a.m. – 11:00 a.m. will now be held on:

DATE AND TIME: Friday, March 12, 2010, 2:00 p.m. – 3:00 p.m.

PLACE: Conference call: 1(888)808-6959, Conference Code: 9229760#

For more information or a copy of the agenda for this call, contact: Office on Homelessness, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)922-4691.

The **Department of Children and Family Services** announces a public meeting to which all persons are invited.

Initial Meeting

DATE AND TIME: March 16, 2010, 2:00 p.m.

PLACE: 1317 Winewood Blvd., Building 3, Room 455, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department Evaluators as provided for in Sections 2.5 and 6.3 and Appendix XI-a of RFP #12F09GC1, published on the Vendor Bid System (VBS) on January 12, 2010.

Debriefing Meeting

DATE AND TIME: March 29, 2010, 9:00 a.m.

PLACE: 1317 Winewood Blvd., Building 3, Room 439, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department Evaluators as provided for in Sections 2.5 and 6.3 and Appendix XI-a of RFP # 12F09GC1, published on the Vendor Bid System (VBS) on January 12, 2010.

Notice of the foregoing meetings will be posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes. The VBS can be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

The agenda for each meeting is provided in Appendix XI-a, Instructions to Evaluators, of RFP# 12F09GC1.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Greg Ferguson at greg_ferguson@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Collier Refugee Advisory Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 24, 2010, 6:00 p.m. – 7:30 p.m.

PLACE: Catholic Charities, 2210 Santa Barbara Blvd., Naples, Florida 34116

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Refugee Advisory Panel's mission is to serve in an advisory capacity to the Director of Refugee Services and others in the community on refugees' service needs and service delivery. The goal of the Panel is to help the Refugee Services program and local service providers facilitate the smooth resettlement of newly arriving refugees and to promote self-sufficiency, economic independence and success in integrating to their new communities. The Panel members will help propose ideas on how to overcome barriers and challenges that refugees face during the resettlement process.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Janet Blair at email: Janet_Blair@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Janet Blair, Office (813)558-5841, Cell: (813)545-1716 or email: Janet_Blair@dcf.state.fl.us.

The **Jacksonville Refugee Advisory Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 20, 2010, 1:30 p.m. – 3:30 p.m.

PLACE: 7401 Old Kings Road South, Jacksonville, Florida 32217

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Refugee Advisory Panel's mission is to serve in an advisory capacity to the Director of Refugee Services and others in the community on refugees' service needs and service delivery. The goal of the Panel is to help the Refugee Services program and local service providers facilitate the smooth resettlement of newly arriving refugees and to promote self-sufficiency, economic independence and success in integrating to their new communities. The Panel members will help propose ideas on how to overcome barriers and challenges that refugees face during the resettlement process.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debbie Ansbacher at email: Debbie_Ansbacher@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Debbie Ansbacher, Office: (904)726-1540, Cell: (904)524-1316 or email: Debbie_Ansbacher@dcf.state.fl.us.

The **Department of Children and Services** announces a public meeting to which all persons are invited.

DATE AND TIME: March 4, 2010, 3:00 p.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Rm. 203, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The debriefing meeting of the Department Evaluators as provided for in Section 2.5 and Appendix XI-a of RFP #11K09BS3, published on the Vendor Bid System (VBS) on January 11,

2010. Notice of the foregoing meetings will be posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes. The VBS can be accessed at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Rm. 203, Tallahassee, FL 32399-0700 or email Anna_Bethea@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Anna Bethea, Procurement Manager, Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd., Bldg. 5, Rm. 203, Tallahassee, FL 32399-0700 or email Anna_Bethea@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2010, following the Board Meeting at a time to be announced at the conclusion of the Board Meeting

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301. The workshop will be accessible via Conference Call: 1(888)808-6959, Conference Code 1374197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive comments and suggestions from interested persons relative to Rule Chapters 67-21 and 67-48, F.A.C., and the competitive funding programs of the Corporation, including the Multifamily Mortgage Revenue Bond Program, the State Apartment Incentive Loan (SAIL) Program, the HOME Investment Partnerships (HOME Rental) Program, and the Housing Credit (HC) Program.

A copy of the agenda may be obtained by contacting: Blake Carson-Poston or viewing the FHFC Website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 1, 2010, 10:00 a.m. (Eastern Time)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Committee meeting will be to discuss and evaluate the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposals #2009-06 for both for-profit and not-for-profit developers to finance the preservation of existing affordable housing developments and acquisition, rehabilitation and new construction of properties in areas of the state experiencing a continued demand for affordable rental units using Florida Housing's Multifamily Mortgage Revenue Bonds in conjunction with HOME funds.

A copy of the agenda may be obtained by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF FINANCIAL SERVICES

The Florida **Department of Financial Services** announces a teleconference meeting of the Chief Financial Officer's Advisory Council on State Risk Management to which all persons are invited.

DATE AND TIME: Tuesday, March 2, 2010, 11:30 a.m.

PLACE: The Hermitage Building, 1801 Hermitage Boulevard, Third Floor, Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second meeting of the Chief Financial Officer's Advisory Council on State Risk Management. The meeting will cover the review and approval of prior meeting minutes, review and discussion of the Division of Risk Management's Strategic Plan to determine critical issues, discussion of how the Council can assist the Division on critical issues, and the discussion of Division performance metrics.

PLEASE NOTE: The Hermitage Building is a secure facility. Persons wishing to attend should call: Wanda Brazell at (850)413-4702 to obtain access to the elevator that accesses the Third Floor.

CONTACT: R. J. Castellanos, Director, Risk Management, Florida Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4700, Fax: (850)921-9097.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise the Department at least five (5) calendar days before the meeting by contacting Robyn Jackson at (850)413-4269.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: March 2, 2010, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: ACA Home Insurance Corporation has requested a 20.5% overall rate increase for its homeowners program, effective April 8, 2010, for new and renewal business. The requested rate increases are not uniform and some areas are subject to higher rate increases.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@flor.com; the subject line of your e-mail should read "ACA Home."

A copy of the agenda may be obtained by contacting: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Cindy Walden at (850)413-2616 or e-mail: cindy.walden@flor.com at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rhoda K. Johnson, Esquire at (850)413-4252 or Cindy Walden at (850)413-2616.

SOIL AND WATER CONSERVATION DISTRICTS

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2010, 8:15 a.m.

PLACE: 1416 US90 E, Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Doris Newman at (850)973-6595.

The **Broward Soil and Water Conservation District** announces a closed Executive Session.

DATE AND TIME: February 24, 2010, 5:00 p.m.

PLACE: Suite 6181-P, 6191 Orange Drive, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subject of the meeting is to inform the Board of Supervisors of factual information to avoid potential litigation and administrative hearings.

Notice and Closed Meetings can be found at: <http://www.myflsunshine.com/>

Under – Frequently Asked Questions: Can a public agency hold closed meetings?

Under – What are the notice and procedural requirements of the Sunshine Law?

The **Broward Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2010, 5:00 p.m.

PLACE: District Office, 6191 Orange Drive, Suite 6181-P, Davie, FL 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting: (954)584-1306 or Mail@browardswcd.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: (954)584-1306 or Mail@browardswcd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Russell M. Setti at (954)584-1306 or Mail@browardswcd.org.

The **Choctawhatchee River SWCD** announces a public meeting to which all persons are invited.

DATES AND TIME: March 8, 2010; June 14, 2010; September 13, 2010; December 13, 2010, 6:30 p.m.

PLACE: USDA Service Center, 239 John Baldwin Road, Suite B, DeFuniak Springs, FL 32433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meetings.

A copy of the agenda may be obtained by contacting: Mellody Hughes at (850)892-3712, ext. 3.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Melody Hughes. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2010, 11:15 a.m.

PLACE: Stabile Research Building Auditorium, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 3, 2010, 10:00 a.m. (EST)

PLACE: 227 North Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902, ext. 261 or via email: jessicak@jac.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Kranert at 1(866)355-7902, ext. 261 or via

email: jessicak@jac.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Justice Administrative Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 5, 2010, 10:00 a.m. (EST) (Contingent upon the needs of the Commission)

PLACE: Justice Administrative Commission, 227 N. Bronough Street, Suite 2100, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to the legislative session or other regular commission meeting items, if necessary.

A copy of the agenda may be obtained by contacting: Jessica Kranert at 1(866)355-7902, ext. 261 or jessicak@jac.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Jessica Kranert at 1(866)355-7902, ext. 261 or jessicak@jac.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 4, 2010, 3:00 p.m. (EST)

PLACE: Scripps Florida, 120 Scripps Way Jupiter, FL or via Conference Call: (219)509-8322, Passcode: 888954#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the TSRI auditor work papers, review the monitoring instrument compliance and the SFFC single audit.

A copy of the agenda may be obtained by contacting: jenni.garrison@myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: jenni.garrison@myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 5, 2010, 8:30 a.m. (EST)

PLACE: Scripps Florida, 120 Scripps Way, Building B, Jupiter, FL) or via Conference Call: (219)509-8322, Passcode: 888954#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will hear reports from the audit and investment committees and review the 2010 annual grant request from Scripps Florida.

A copy of the agenda may be obtained by contacting: jenni.garrison@myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: jenni.garrison@myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ST. LUCIE TRANSPORTATION PLANNING ORGANIZATION

The **St. Lucie Transportation Planning Organization (TPO)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 10, 2010; 2:00 p.m., Public Hearing; immediately followed by the regular meeting of the Local Coordinating Board for the Transportation Disadvantaged (LCB)

PLACE: St. Lucie County BOCC Chambers, 2300 Virginia Avenue, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual public hearing to receive input from the public on unmet bus transportation needs followed by regular meeting of the LCB.

A copy of the agenda may be obtained by contacting: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO at (772)462-1671.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: St. Lucie County Risk Manager at (772)462-1546. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Marceia Lathou, Senior Planner-Transit, St. Lucie TPO, 2300 Virginia Avenue, Fort Pierce, FL 34982, (772)462-1671.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: March 11, 2010, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Joe Wallace at (407)282-3944.

CITY OF PALM COAST

The **City of Palm Coast**, Florida in cooperation with the Florida **Department of Transportation**, District Five announces a hearing to which all persons are invited.

DATE AND TIME: March 16, 2010, 6:00 p.m.

PLACE: Palm Coast Community Center, 305 Palm Coast Parkway, N. E., Palm Coast, Florida 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: You are invited to attend and participate in the public hearing for the Project Development and Environment (PD&E) study for the proposed widening of Palm Coast Parkway from Cypress Point Parkway/Boulder Rock Drive to Florida Park Drive, a distance of approximately 1.23 miles. This public hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and the social, economic, and environmental effects of the proposed improvements to Palm Coast Parkway, Financial Project ID 415963-1-28-01.

A copy of the agenda may be obtained by contacting: Mr. Michael Esposito, Project Manager, City of Palm Coast, 160 Cypress Point Parkway, Suite B-106, Palm Coast, FL 32164, (386)986-2461.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Michael Esposito at the address or number above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CITIZENS PROPERTY INSURANCE CORPORATION

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 18, 2010, 10:30 a.m. (EST)

PLACE: Sanibel Harbour Hotel, Sanibel, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, committee updates.

A copy of the agenda may be obtained by contacting: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at 1(800)807-7647, extension 3744. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barbara Walker at (850)513-3744.

FLORIDA SUBSTANCE ABUSE AND MENTAL HEALTH CORPORATION

The Florida Substance Abuse and Mental Health Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: March 25, 2010, 8:30 a.m. – 12:30 p.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board of Directors meeting. Executive Director report, legislative updates. Committee reports. Updates on editorial board meetings on the Economic Impact study.

A copy of the agenda may be obtained by contacting: linda@samhcorp.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: linda@samhcorp.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: linda@samhcorp.org.

FLORIDA CENTER FOR SOLID AND HAZARDOUS WASTE MANAGEMENT

The William W. “Bill” Hinkley Center for Solid and Hazardous Waste Management announces a public meeting to which all persons are invited.

DATES AND TIME: May 12-14, 2010, 8:30 a.m.

PLACE: Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The William W. “Bill” Hinkley Center for Solid and Hazardous Waste Management Advisory Board announces a meeting of its Research Selection Committee, followed by a meeting of the Center’s Advisory Board, May 14, 2010 at the same location.

For more information, please contact: Hinkley Center at (352)392-6264.

A copy of the agenda may be obtained by contacting: (352)392-6264.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by John Baynes, Petitioner/Unit Owner, In Re: Lake Vista I, a Condominium, Docket No.: 2009061032 on November 17, 2009. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because the Division cannot issue a statement when it would affect the interests of other unit owners, who are not parties to this action; or because the Division does not have jurisdiction to interpret and enforce unclear provisions in a condominium’s

declaration as the interpretation of contracts is strictly a judicial function; or the Division may not issue a declaratory statement without reviewing all of the documents.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Gloria Ellinwood, acting on behalf of Florence Haellick, Petitioner/Unit Owner, In Re: Covington Court, Mount Vernon, and Hermitage, a condominium, on November 10, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because the Division cannot issue a declaratory statement concerning events that have already taken place; or because a declaratory statement is not the proper forum to resolve issues of fact.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Gary Latham, Petitioner, In Re: Crane's Roost Village Condominium Association, Inc., Docket No.: 2009058766 on November 13, 2009. The following is a summary of the agency's declination of the petition:

The Division declined to issue a declaratory statement because the Division may not issue a declaratory statement concerning events that have already occurred; or when there are facts in dispute; or when there are facts in dispute; or where there are unit owners who will be affected by the decision and who are not parties to the petition; or where the Division has not

received a complete current set of governing documents and may not issue a declaratory statement without reviewing such documents.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT on October 28, 2009, the Electrical Contractors' Licensing Board has received the petition for declaratory statement from Roy E. Dezem, Esquire, on behalf of Brite Lite Service Co., Inc. The petition seeks the agency's opinion as to the applicability of Section 489.505(19), F.S. and subsection 61G6-7.001(2), F.A.C. as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 489.505(19), F.S. and subsection 61G6-7.001(2), F.A.C., as to whether the contractor has to be licensed as a Specialty Contractor in order to install and maintenance electrical advertising signs.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Robert Guzman vs. Department of Legal Affairs and Department of Agriculture and Consumer Services; Case No.: 09-5629RX; Rule Nos.: 2-30.001, 5J-11.008

Gamestop, Inc. vs. Department of Revenue; Case No.: 09-5759RX; Rule No.: 12A-1.074

Florida Justice Institute, Inc. vs. Department of Corrections; Case No.: 10-0457RP; Rule No.: 33-401.701

City of Tampa vs. Southwest Florida Water Management District; Case No.: 09-6525RP; Rule No.: 40D-2.322(2)

Palm City Civic Organization, Inc. vs. South Florida Water Management District; Case No.: 10-0337RX; Rule No.: 40E-0.109(1)(a)

Florida Association of Area Agencies on Aging, Inc. vs. Department of Elder Affairs; Case No.: 09-7017RP; Rule No.: 58C-1.0031

Florida Healthcare Association, Inc., and Floridean Nursing Home, Inc. vs. Department of Elder Affairs; Case No.: 09-6586RP; Rule No.: 58L-1.008

Florida Association of Homes and Services for the Aging, Inc. Vs. Department of Elder Affairs, Office of State Long Term Care Ombudsman; Case No.: 09-6587RP; Rule No.: 58L-1.008

Florida Assisted Living Affiliation, Inc. d/b/a Florida Assisted Living Association vs. Department of Elder Affairs, Office of State Long Term Care Ombudsman; Case No.: 09-6588RP; Rule No.: 58L-1.008

St. Johns Riverkeeper, Inc. and Henry O. Palmer vs. Department of Environmental Protection; Case No.: 09-7054RX; Rule No.: 62-302.800(2)

Ramidass Ramphal, Lucia Calventi, Janice Wright, and Esmeralda Cruz vs. Department of Children and Family Services; Case No.: 09-6125RP; Rule No.: 65A-1.900

Kissimmee River Valley Sportsman Association, Inc. vs. South Florida Water Management District; Case No.: 09-6150RE; Rule No.: 62-402.070

MDG Capital Corporation, Prime Homebuilders, Legacy Pointe, Inc., and Villa Capr, Inc. vs. Florida Housing Finance Corporation; Case No.: 09-6585RX; Rule Nos.: 67ER09-6, 67ER09-7, 67ER09-8, 67ER09-9, 67ER09-10

Payroll Management, Inc. vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 09-6724RP; Rule Nos.: 69L-5.209(1)(a)3., 69L-5.215, 69L-5.218, 69L-5.225, 69L-5.226

Fairpay Solutions, Inc. vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 09-6511RP; Rule No.: 69L-7.501

Marion Community Hospital, Inc., d/b/a Ocala Regional Medical Center and Columbia Hospital (Palm Beaches) Limited Partnership, d/b/a Columbia Hospital vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 09-6526RP; Rule No.: 69L-7.501

Florida Hospital Association, Inc. vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 09-6527RP; Rule No.: 69L-7.501

Walter G. Kozak, d/b/a Gunny's Intrastate Travel and Tours vs. Hillsborough County Public Transportation Commission; Case No.: 09-3152RX

City of Pembroke Pines vs. Broward County School Board; Case No.: 09-5626RU

C.M. vs. Agency for Persons with Disabilities; Case No.: 09-5878RU

Anthony B. Lewis, M.D. vs. Board of Medicine; Case No.: 09-6959RU

Woody Drake Advertising, Inc. vs. Department of Transportation; Case No.: 09-6971RU

Mariner Properties Development, Inc., and Little Pine Island Wetlands Mitigation Bank, Ltd. vs. Southwest Florida Water Management District; Case No.: 09-6937RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Library Systems and Services, L.L.C. vs. Department of State, Division of Library and Information Services and The Florida Library Association (Intervenor); Case No.: 09-4289RP; Rule No.: 1B-2.011; Dismissed

Robert Guzman vs. Department of Legal Affairs and Department of Agriculture and Consumer Services; Case No.: 09-5629RX; Rule Nos.: 2-30.001, 5J-11.008; Dismissed

Classical Christian Academy, School Number 4614 vs. Department of Education; Case No.: 09-5250RX; Rule No.: 6A-6.03315(1)(c); Voluntarily Dismissed

Maryland Fried Chicken of Union Park, Inc. vs. Department of Revenue; Case No.: 09-4317RX; Rule No.: 12A-1.060(6); Dismissed

Susan Nagelsen vs. Florida Parole Commission; Case No.: 09-5354RU; Rule Nos.: 23-21.015(9), 23-21.0155, 23-21.0161; Withdrawal

Della Christie vs. Department of Corrections; Case No.: 09-2312RP; Rule No.: 33-401.701; Valid, except paragraphs (10)(h), (10)(i), which are Invalid

Seven Springs Water vs. Suwannee River Water Management District; Case No.: 09-4940RP; Rule No.: 40B-2.301(3); Voluntarily Dismissed

City of Tampa vs. Southwest Florida Water Management District; Case No.: 09-6525RP; Rule No.: 40D-2.322(2); Voluntarily Dismissed

Deborah Bohler vs. Department of Management Services, Division of Retirement; Case No.: 09-3350RX; Rule No.: 60S-9.001; Dismissed

Brooklyn Luncheonette, LLC, d/b/a Del Tura Pub and Restaurant vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 09-1973RX; Rule No.: 61A-3.0141(1) and (2); Invalid

Kissimmee River Valley Sportsman Association, Inc. vs. South Florida Water Management District; Case No.: 09-6150RE; Rule No.: 62-402.070; Dismissed

Payroll Management, Inc. vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 09-6724RP; Rule Nos.: 69L-5.209(1)(a)3., 69L-5.215, 69L-5.218, 69L-5.225, 69L-5.226; Withdrawal

Service Insurance Company vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 09-3042RX; Rule No.: 69O-170.105(1)(d); Invalid

Pronational Insurance Company; The Medical Assurance Company, Inc; and Red Mountain Casualty Insurance Company, Inc. vs. Financial Services Commission and Office of Insurance Regulation; Case No. 06-1142RP; Rule No.: 69O-171.009; Voluntarily Dismissed

Walter G. Kozak, d/b/a Gunny's Intrastate Travel and Tours vs. Hillsborough County Public Transportation Commission; Case No.: 09-3152RX; Voluntarily Dismissed

Coventry First, LLC vs. Office of Insurance Regulation and Financial Services Commission; Case No.: 09-3944RU; Dismissed

Progressive Select Insurance Company and Progressive American Insurance Company vs. Office of Insurance Commission and Financial Services Commission; Case No.: 09-5328RU; Voluntarily Dismissed

Anthony B. Lewis, M.D. vs. Board of Medicine; Case No.: 09-6959RU; Voluntarily Dismissed

Woody Drake Advertising, Inc. vs. Department of Transportation; Case No.: 09-6971RU; Voluntarily Dismissed

Mariner Properties Development, Inc., and Little Pine Island Wetlands Mitigation Bank, Ltd. vs. Southwest Florida Water Management District; Case No.: 09-6937RU; Voluntarily Dismissed

SA-PG Clearwater, LLC d/b/a Palm Garden of Clearwater; Et. AL. vs. Agency for Health Care Administration; Case Nos.: 08-4894, 08-5360RU; Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-212, (Newell Hall & Annex Renovation/Rehabilitation)

The project consists of the renovation and rehabilitation of Newell Hall and Annex to create a Student Learning Commons. Newell Hall was built in 1910 as the Florida Experiment Station and is the third oldest building on campus. Newell Hall and the Annex total approximately 34,200 GSF. Newell Hall is one of the oldest UF buildings recorded in the U.S. National Register of Historic Places. The renovation will include individual and group study spaces as well as a variety of seating areas for informal student study. The Annex will become a graduate study area. Wireless Internet access will be available throughout the building. The project will transform this historic, but energy inefficient, building and give it a new purpose.

The estimated construction budget is approximately \$9M, including site improvements and landscaping. The project will be delivered using the Construction Manager At Risk method and construction shall be "fast-tracked" to start by August 2010 and end no later than April 2011. GOLD LEED BD+C (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory. PLATINUM IS PREFERRED.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Conceptual Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 100% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Thursday, March 18, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000, Fax: (352)273-4034
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the disciplines of engineering and architecture for Total Building Commissioning will be required for the project listed below:

Project: UF-305, PK Yonge Developmental Research School (Gainesville, FL)

The facility will include demolition of existing building 514, and design and construction of a new 2 story 36,000 GSF elementary school. The scope of services shall include design phase peer review, completion and maintenance of the Owner's Project Requirements (OPR) document, development of the Commissioning Plan and Commissioning Specifications, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems. The consultant shall also support project efforts to achieve higher-than-normal energy efficiency and attain (Gold) LEED certification.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet for Commissioning Consultants, and other background information. The proposal shall be limited to 20 single-sided pages OR 10 double-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed, project-specific Commissioning proposal form with signed certification. Applications on any other form will not be considered.
3. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff (applicant and consultants).
4. Proof of the applicant's corporate status in Florida (if applicable) and copies of current licenses for applicant consultants from the appropriate governing board.
5. Proof of the applicant's ability to be insured for the level of professional liability coverage demanded for this project.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected applicant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

The Commissioning Services Proposal Form, Project Fact Sheet, UF Design Services Guide, UF Design and Construction Standards, FP&C non-technical specifications, standard University of Florida Owner-Commissioning Consultant agreement, and other project and process information can be found on the Facilities Planning and Construction website. Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Wednesday, March 24, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000, Fax: (352)273-4034
Internet: www.facilities.ufl.edu

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-353, International Parkinson's Disease & Movement Disorders Center

As often as is deemed feasible, the University of Florida will identify certain construction-related projects that lend themselves to increased participation among small businesses. These projects may be reserved for competition among 1) Small Businesses as defined herein or 2) for joint venture entities comprised of a Small Business as defined herein and a "non-small" business in which the business-defined split is one that is reasonable and beneficial for the Small Business partner and said Small Business partner comprises a minimum 25% share of the joint venture. Project UF-353 has been classified as a project that meets these criteria. In order to qualify for the Construction Management Consultant selection process, the

Small Business OR the Small Business portion of the joint venture is defined as “an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification”. Statements of intent to comply with these criteria and description of the proposed joint venture relationship and its benefit to the Small Business partner (if applicable) shall be included in the initial response to the Project Advertisement and proof of compliance will be required within 30 days of issuance of Notice of Selection.

The project consists of the remodeling and renovation of approximately 11,500 GSF on the 4th floor of the Orthopedics and Sports Medicine Institute (U.F. Building #1178) to house the University of Florida International Parkinson’s Disease and Movement Disorders Center. This, for the first time, will consolidate the patient care and research activities that make up the UFIPDMDC. In addition, the location of the facility will provide ease of access for patients and a comfortable environment, from parking to exam room. The Orthopedics and Sports Medicine Institute was constructed in 2004 and remains a state-of-the-art out-patient care facility.

The total project budget is \$3,375,000 including design fees, total project commissioning, furnishings & equipment, and contingencies. Construction shall be “fast-tracked” from a start date of June 15, 2010. Gold LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council as a Commercial Interiors project is mandatory.

The contract for construction management services will consist of two phases, limited pre-construction and construction. Pre-construction services will begin at the Advanced Schematic Design phase and may include production of cost studies and estimates, value engineering, analysis of the design documents for constructability, coordination, detailing, materials, and systems, development and maintenance of the construction schedule, production of detailed jobsite management plans, development of strategies for the procurement of trade contracts, and development of a Guaranteed Maximum Price (GMP) proposal based on 100% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager’s contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in

the shortlist and interview phases as outlined in the Project Fact Sheet and CMQS Instructions. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant or both proposed JV partners must be licensed to practice as general contractors in the State of Florida. Proof of JV contractor’s license will be required within 30 days of issuance of Notice of Selection.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant’s understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific “CM Qualifications Supplement” (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant’s corporate status in Florida (if applicable) and a copy of the applicant’s current contracting license from the appropriate governing board. If the applicant is a joint venture, proof of individual status and license are required in the application; joint venture status and license will be required within 30 days of Notice of Selection.
6. Proof of applicants’ bonding capacity.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Friday, March 19, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-357, Clinical Translational Research Building for the Institute on Aging (UF Campus)

This new facility will be designed to host the field operations and coordination of large phase 3 behavioral and pharmacological multicenter trials in the area of aging and disability. It will serve as the home for a number of active research training programs on aging, with a primary focus on assessing the long-term effects of proposed interventions, which specifically include moderate physical exercise and health education. This facility is currently programmed at 39,500 GSF and will house primarily clinical, support, and office spaces.

The estimated construction budget is approximately \$12,500,000.00 including site improvements, underground utilities, and impact fees. The project will be delivered using the Construction Manager-at-risk method. Platinum LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Conceptual Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 100% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. (Local Time), Friday, March 19, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
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Telephone: (352)273-4000; Fax: (352)273-4034
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NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-361, IFAS/Extension & Professional Development Center (Main Campus)

As often as is deemed feasible, the University of Florida will identify certain construction-related projects that lend themselves to increased participation among small businesses. These projects may be reserved for competition among 1) Small Businesses as defined herein or 2) for joint venture entities comprised of a Small Business as defined herein and a "non-small" business in which the business-defined split is one that is reasonable and beneficial for the Small Business partner and said Small Business partner comprises a minimum 25% share of the joint venture. Project UF-353 (361) has been classified as a project that meets these criteria. In order to qualify for the Construction Management Consultant selection process, the Small Business OR the Small Business portion of the joint venture is defined as "an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification". Statements of intent to comply with these criteria and description of the proposed joint venture relationship and its benefit to the Small Business partner (if applicable) shall be included in the initial response to the Project Advertisement and proof of compliance will be required within 30 days of issuance of Notice of Selection.

The project consists of the construction of a new two story approximately 14,000 GSF conference/office building. This facility will serve the needs for larger quality conferences and meetings, education programs and agricultural community functions. The building will be a multi-purpose facility providing for three individual conference/ meeting rooms, but allowing for the area to be opened for use as one large auditorium or lecture facility. All areas will provide for state-of-the art equipment for distance learning technology. This facility will serve as conference space for statewide centers to come together and share their research.

The total project budget is \$4,512,000.00, including site improvements, underground utilities, fees, surveys and tests, total building commissioning, furnishings & equipment, and contingencies. Construction shall begin by September 15, 2010. (Gold) LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Conceptual Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 60/100% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Small Business or JV applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant or both JV partners must be licensed to practice as general contractors in the State of Florida. Proof of JV license will be required within 30 days of issuance of Notice of Selection.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.

5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board. If the applicant is a joint venture, proof of individual status and license are required in the application; joint venture status and license will be required within 30 days of Notice of Selection.
6. Proof of applicant's bonding capacity.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), Tuesday, March 23, 2010. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium / P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000; Fax: (352)273-4034
Internet: www.facilities.ufl.edu

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Potable Water Well # 4

A Mandatory Pre-Bid Conference will be held on March 4, 2010, 2:00 p.m., Central Time in Bldg. 92, Room 110, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514

All bidders are required to attend the pre-bid conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until March 25, 2010, 2:00 p.m. (Central Time), Procurement and Contracts, Bldg. 90, Room 134, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 09ITB-19JJ must be marked on outside of bid package. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Procurement and Contracts' website: <http://uwf.edu/procurement>. All plans and specifications may be downloaded from this site. All questions should be directed to: Judy Jasmyn at jjasmyn@uwf.edu.

PUBLIC ANNOUNCEMENT FOR EMERGENCY MANAGEMENT CONSULTANT SERVICES

The University of Central Florida announces that emergency management consultant services are required for the project listed below.

PROJECT NUMBER: EMHE-EM-10-0001

PROJECT NAME: UCF Emergency Management Consultant Services

PROJECT LOCATION: The University of Central Florida, P.O. Box 163500, Emergency Management, Orlando, FL 32816-3500

SERVICES TO BE PROVIDED: The University of Central Florida requests qualifications from Emergency Management training and exercise firms to provide Training and Exercise Management for all-hazards emergency response exercises on campus.

BUDGET: Approximately \$50,000

PROJECT MANAGER: Jeff Morgan

PHONE NUMBER: (407)823-6301

RESPONSE DUE DATE: Monday, March 22, 2010, no later than 3:00 p.m.

INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access: <http://www.fp.ucf.edu/advertisements/advertisements.html>

Submittals must be received no later than 3:00 p.m. (Local Time), March 22, 2010, and should be mailed or delivered to: University of Central Florida, Environmental Health and Safety, P. O. Box 163500, ATTN: Jeff Morgan, Emergency Management Coordinator, Orlando, FL 32816-3500.

Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

Short notice (less than 72 hours notice) presentations regarding the firm's proposal may be requested by UCF.

The selected firm will be given official notice of selection results by phone to the POC listed on the firms RFP submittal.

Invitation To Bid
For a Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE March 23, 2010

AND WILL BE ACCEPTED UNTIL 2:00 p.m.

OFFICIAL PROJECT TITLE: Districtwide Roof Replacement at Fletcher Middle School No. 63, DCPS PROJECT NO. M-84470, Stage III

SCOPE OF WORK: Project scope is to remove all old deteriorated roofing and install new Modified Bitumen roof system on Buildings 3 and 4. The estimated construction cost "Budgeted Not to Exceed" is \$381,000.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on March 10, 2010, 9:00 a.m., 129 King Street, Room 37, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

The project funding is subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$50.00 at the office of:

Ronald Scalisi Architects, P.A., 1309 St. Johns Bluff Road North, Suite A-5, Jacksonville, Florida 32225

DCSB Point of Contact: Dale Hughes, (904)858-6308

Contract documents for bidding may be examined at:

F. W. Dodge McGraw Hill Plan Room Construction Bulletin Construction Market Data, Inc. National Association of Minority Contractors

MBE Participation Goal: 10% Participation

All Contractors submitting bids must be prequalified with Duval County Public Schools at the time of the bid opening. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin, 1701 Prudential Dr., Jacksonville, FL 32207, (904)390-2358, Fax: (904)390-2265, Email: beaudoinr@duvalschools.org.

The Bid Award Recommendation will be posted on the First Floor Bulletin Board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

ATTENTION: All advertisements must contain wording similar to the following if the project is Multi-Year Funded:

The Total Project Budget is \$x,xxx,xxx, however, DCPS has received appropriations totaling only \$x,xxx,xxx. Additional appropriation in the amount of \$x,xxx,xxx is expected next year.

Invitation To Bid
For a Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida

BIDS ARE DUE ON OR BEFORE March 23, 2010

AND WILL BE ACCEPTED UNTIL 2:00 p.m.

OFFICIAL PROJECT TITLE: Districtwide Roof Replacement at Mandarin Middle School No. 259, DCPS PROJECT NO. M-83830, Stage I

SCOPE OF WORK: Project scope is to remove all old deteriorated roofing and install new Modified Bitumen and standing seam metal roof systems on Building 1. The estimated construction cost "Budgeted Not to Exceed" is \$1,445,000

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on March 10, 2010, 10:00 a.m., 129 King Street, Room 37, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

The project funding is subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of:

Akel, Logan & Shafer, P.A., 704 Rosselle Street, Jacksonville, Florida 32204

DCSB Point of Contact: Dale Hughes, (904)858-6308

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room Construction Bulletin Construction Market Data, Inc. National Association of Minority Contractors

MBE Participation Goal: 10% Participation

All Contractors submitting bids must be prequalified with Duval County Public Schools at the time of the bid opening. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

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The Bid Award Recommendation will be posted on the First Floor Bulletin Board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

ATTENTION: All advertisements must contain wording similar to the following if the project is Multi-Year Funded:

The Total Project Budget is \$x,xxx,xxx, however, DCPS has received appropriations totaling only \$x,xxx,xxx. Additional appropriation in the amount of \$x,xxx,xxx is expected next year.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

RFP 2010-01 Catalyst Program Services

The Florida Housing Finance Corporation invites all qualified Offerors to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2010-01. The Florida Legislature established the Affordable Housing Catalyst Program (Catalyst) to provide training and technical assistance for community development activities related to affordable housing. This training and technical assistance assists with administration and implementation of the State Housing Initiatives Partnership (SHIP) Program, the Home Investment Partnerships (HOME) Program and other affordable housing programs. The awarding of a contract for these services will be contingent upon funding availability.

Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, March 19, 2010, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Sherry Green at (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and

applicant's responsibilities, please submit your request to the attention of Sherry Green, or you can download the Request for Proposals from the Florida Housing Finance Corporation website: http://apps.floridahousing.org/StandAlone/FHFC_EC M/AppPage_LegalRFPs.aspx.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

CANAVERAL PORT AUTHORITY

Revised Scope Only to Notice

Published 2/12/2010: Issue Vol. 36/06

The Canaveral Port Authority (CPA) is requesting technical proposals and qualifications from consulting firms interested in providing planning and engineering Design Services for Northside Land Improvements for Port Canaveral and to provide technical support to staff at Port Canaveral – located in Brevard County, Florida. These services will be acquired in compliance with the Consultants Competitive Negotiations Act, Section 287.055, Florida Statutes. The A & E consulting firm will be required to display a recurring knowledge of cargo, container yards, and bulk handling facilities and marine terminal design. The Consultant will be asked to provide master planning of the entire North Cargo Area in addition to planning, design, and permitting of roads, stormwater, utilities, fire protection, and lighting for a 56-acre + parcel. The intended use of this parcel is a combination of General Cargo, Bulk Cargo and an expansion to an existing container facility. The project is to be phased and constructed as development progresses. In addition, the Consultant will be required to prepare a Cargo Market Assessment of the current and potential cargo business for the project area as it relates to the entire Port.

MINIMUM CRITERIA

As a minimum, the firms proposing shall have at least ten (10) years experience in work of a similar nature with airports/seaports and military installations. Consultant must provide references of at least 5 prior successful projects of a similar nature.

It is recommended that the firm have an office within reasonable proximity to the Canaveral Port Authority and/or demonstrate that they would be able to provide services in a timely manner.

PROPOSAL CONTENT

Each responding consulting firm shall provide six (6) copies and one (1) CD (containing complete proposal in pdf format) of their proposal, giving detailed information on the following:

1. Firm history, location, capabilities, etc.
2. GSA Standard Form 330 or equivalent

3. Five (5) examples of previous experience with providing similar services in the recent past. Include a brief description of the work and individuals to be contacted with telephone numbers.
4. A list of services which would not be performed in-house and a list of consultants, which would provide these services for the firm.
5. A schedule of current commitments and the degree of completion of each.
6. An organization chart and other information which will be useful in evaluating the proposal service.
7. Outline of methodology for implementation of the proposed scope of work.
8. Resumes of key individuals to be involved in the various aspects of the project and an explanation of each individual's role in the project.
9. Evidence of coverage with at least one million dollars of professional liability insurance.
10. Provide evidence that firm is licensed to do business in the State of Florida.

SUBMITTAL SCHEDULE

Firms desiring to provide such professional services to the CPA must furnish six (6) copies and one (1) CD (containing complete proposal in pdf format) of their expression of interest to:

Canaveral Port Authority

Attn.: Peggy Gooch, Sr. Administrative Assistant, Engineering
 P. O. Box 267
 445 Challenger Road
 Cape Canaveral, FL 32920

All proposals shall be delivered to the Canaveral Port Authority no later than 3:00 p.m., Tuesday, March 2, 2010. The selected firm will be required to perform all contract services under a standard CPA service contract, a sample of which may be requested by contacting Peggy Gooch, Senior Administrative Assistant, Engineering, Canaveral Port Authority by email pgooch@portcanaveral.com or via phone at (321)783-7831, ext. 218. All notices will be posted on our website – <http://www.portcanaveral.com/general/bids/php>.

SELECTION PROCESS

A committee established by the Chief Executive Officer will meet to review and recommend for approval a ranking of qualified firms to the CPA Commission at their regularly scheduled meeting to be held at 2:00 p.m., March 17, 2010, at which time selections will be established.

PETER R. BROWN CONSTRUCTION, INC.

Notice of Request for Proposals (RFP #1)
 Pinellas County Health Department Largo Replacement Facility DOH #70852100

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Florida Department of Health – Pinellas County Health Department Largo Replacement Facility DOH #70852100 hereby solicits sealed proposals for the referenced project in accordance with the proposal documents to include but not limited to the following:

The Scope of Work for this project includes but is not limited to the following:

- | | | | |
|------|--------------------------|------|-------------------------------|
| 01A | Material Testing | 22A1 | Plumbing Demolition |
| 01B | Construction Facilities | 23A1 | HVAC Demolition |
| 01F | Waste Management | 26A1 | Electrical Demolition |
| 02A | Surveying | 31A | Sitework |
| 02E | Demolition | 31A | Temporary & Permanent Fencing |
| 05A1 | Structural Modifications | | |

A pre-proposal meeting will be held at 10:30 a.m. (Local Time), Wednesday, March 10, 2010, at the following location:

Pinellas County Health Department Largo Facility
 8751 Ulmerton Road
 Largo, FL 33771

Deadline for receipt of RFP #1 Proposal Packages (Listed Above) has been set for 2:00 p.m., March 18, 2010. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Subcontractors must submit pre-qualification prior to February 19, 2010 (RFP #1) in order to be considered for this project. Pre-qualification information and forms can be obtained through the Peter R. Brown Construction, Inc. website (www.peterbrownconstruction.com) or by contacting: Peter R. Brown Construction, Inc. Clearwater Estimating Department at (727)535-6407.

Florida Department of Health and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

Drawings will be made available on February 26, 2010. Drawings will be available via the Peter R. Brown Construction ftp site only. Each pre-qualified subcontractor will be provided the ftp site log-in and contact information for the approved reprographer where documents will be available for purchase. Subcontractors are responsible for all printing and shipping costs.

Florida Department of Health and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by March 12, 2010, 5:00 p.m. The Owner and Architect will not accept calls regarding this project.

All future updates regarding this project will only be posted on the Peter R. Brown Construction, Inc. website (www.peterbrownconstruction.com).

SARASOTA MEMORIAL HOSPITAL

REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES

The Sarasota County Public Hospital Board, in Sarasota, Florida, hereby invites statements of qualifications from engineering consulting firms, under the provisions of Section 287.055, F.S., for Threshold Inspection and Materials Testing for Sarasota Memorial Hospital’s Replacement Bed Tower per plans dated December 22, 2009 and Vertical Expansion Project per plans dated September 15, 2009.

Replacement Bed Tower is (9) stories, 280,000 square feet. Vertical Expansion is (2) stories, 50,000 square feet with a pedestrian bridge to parking garage.

Interested firms shall submit five bound submittals of at least the following documentation:

1. A copy of Florida professional licenses and corporate registration certificates.
2. Proof of general and professional liability insurance coverage.
3. A statement of qualifications, capabilities, adequacy of personnel, past record, and experience.
4. Statement as to whether the firm is a certified Small/or Minority Business Enterprise as defined by the Florida Small Business Assistance Act of 1985.
5. Resumes of key personnel that would be used on these projects.
6. A list of AHCA reviewed and/or inspected projects.
7. Location of firm’s main office.

All Interested firms are further informed as follows:

Pricing and compensation – related information shall NOT be included in the submittal.

Interested persons should contact: Ron Schofield at (941)917-1899 with any project related questions.

Electronic project related information packets are available for pick up, at 1515 South Osprey Ave., Building A, Sarasota, Florida, March 1, 2010 between 8:00 a.m. and 4:00 p.m., upon proof of professional licensure.

No attempts shall be made to contact administrators, board members or any SMH staff other than the contact name listed, under the potential penalty of disqualification from the process. Submittals shall be delivered in an opaque package bearing the outer label of “Replacement Bed Tower/Vertical Expansion Engineering Services Submittal,” no later than 3:00 p.m., Monday, March 15, 2010 at:

Sarasota Memorial Hospital
 Architecture/Construction Office
 1515 South Osprey Avenue, Building A
 Sarasota, Florida 34239-3555
 Attention: Mr. Ron Schofield

No information packs delivered via email.

No submittals accepted via email.

Submittals received after the stated date and time will not be considered and will be available for pick up.

Ranking of firms for later contract negotiations will occur on March 24, 2010, 9:00 a.m., Waldemere Medical Plaza, Magnolia Room, 2nd Floor, 1921 Waldemere Street, Sarasota, FL 34239. Interested parties are invited to attend.

**Section XII
 Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

NOTICE IS HEREBY GIVEN THAT pursuant to §585.14, Florida Statutes, and Rule 5CER10-01, Florida Administrative Code, the Division of Animal Industry under the direction of the State Veterinarian has determined the State of Texas to be endemic for Equine Piroplasmosis (EP).

DEPARTMENT OF EDUCATION

The School Board of Hillsborough County gives notice of intent to post for public inspection updated School Board Policies. To view the proposed policies please go to: <http://www.sdhc.k12.fl.us> and select the link titled: “Proposed School Board Policies” or view a copy located at 901 E. Kennedy Blvd., Tampa, in the Communications Office.

For additional information or comments call: (813)272-4000.

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: POLK COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 POLK COUNTY ORDINANCE NOS. 09-061

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6), (11), Florida Statutes, (2008), approving Polk County Ordinances No. 09-061.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and Polk County is a local government within the Green Swamp Area.
2. On December 18, 2009, the Department received for review Polk County Ordinance No. 09-061 which was adopted by the Polk County Board of County Commissioners on October 7, 2009.
3. Proposed Ordinance No. 09-061 amends Section 704, Commercial, Industrial & Multifamily; Section 804, Construction Plans; and Appendix A, Polk County Technical Standards Manual to allow the Engineer of Record to determine the pavement materials and design requirements related to infrastructure construction standards, testing, inspection and standards for roads and drainage.
4. Ordinance No. 09-061, Section 704 is consistent with the County’s Comprehensive Plan but is contradicted by Ordinance No. 09-061, Section 804 B. 2., is inconsistent with the County’s Comprehensive Plan and allows clearing prior to construction plan approval.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6), (11), Florida Statutes (2008).
6. Polk County is a local government within the Green Swamp Area of Critical State Concern. Section 380.0551, Florida Statutes (2008) and Rule Chapter 28-26, Florida Administrative Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), Florida Statutes (2008). The regulations adopted by the Ordinances 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 for that area. Section 380.05(6), Florida Statutes; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Florida Administrative Code. (“Principles”).

9. Ordinance No. 09-061, Section 704 is consistent with the Principles in Rule 28-26.003, Florida Administrative Code, and is not inconsistent with any one Principle. Ordinance No. 09-061, Section 804 B. 2., is inconsistent with the following Principle:

(k) Protect the design, capacity of flood-detention areas and the water management objectives of these areas through the maintenance of hydrologic characteristics of drainage basins.

WHEREFORE, IT IS ORDERED that Ordinance No. 09-061, Section 704 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

WHEREFORE, IT IS ORDERED that Ordinance No. 09-061, Section 804 B. 2., is found to be inconsistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby DENIED.

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.

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

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of February, 2010.

Paula Ford, Agency Clerk

By U.S. Mail:
Michael F. Craig, Esq.
Polk County Attorney
Drawer AT01
P. O. Box 9005
Bartow, FL 33831

Thomas Deardorff, Director
Growth Management Department
P. O. Box 9005, Drawer GM03
Bartow, FL 33831

Bob English, Chairman
Board of County Commissioners
P. O. 9005, Drawer BC01
Bartow, FL 33831

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 Kawasaki Motors Corp., USA, intends to allow the establishment of BMS Partners, LLC, as a dealership for the sale of motorcycles manufactured by Kawasaki Motors Corp., USA (KAWK) at 4101 Davie Road Extension, Davie (Broward County), Florida 32114, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of BMS Partners, LLC, are dealer operator(s): Sam Nehme, 4760 Sunkist Way, Cooper City, Florida 33330; principal investor(s): Robin B. Osheroff, 13600 Stirling Road, Southwest Ranches, Florida 33330, Marc A. Osheroff, 13600 Stirling Road, Southwest Ranches, Florida 33330, and Sam Nehmeo, 4760 Sunkist Way, Cooper City, Florida 33330.

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: Anthony Kestler, Kawasaki Motors Corp., USA, 6110 Boat Rock Boulevard Southwest, Atlanta, Georgia 30336-2776.

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

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 Kinroad, LP, intends to allow the establishment of Blade Powersports, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacturing, Co., Ltd. (KNRO) at 7914 Highway 19 North, Port Richey (Pasco County), Florida 34668, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Blade Powersports, Inc., are dealer operator(s): Stuart Taft, 7914 Highway 19 North, Port Richey, Florida 4668; principal investor(s): Stuart Taft, 7914 Highway 19 North, Port Richey, Florida 34668.

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 Yuen, Kinroad, LP, 1135 West Trinity Mills 100, Carrollton, Texas, 75006.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyundai Motor America, intends to allow the establishment of Cutler Ridge Automotive, LLC, d/b/a South Dixie Hyundai as a dealership for the sale of automobiles manufactured by Hyundai Motor America (HYUN) at 15895 South Dixie Highway, Miami (Dade County), Florida 33157, on or after August 2, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Cutler Ridge Automotive, LLC, d/b/a South Dixie Hyundai are dealer operator(s): Alan H. Potamkin, 2333 Ponce De Leon, Coral Gables, Florida 33134; principal investor(s): Alan H. Potamkin, 2333 Ponce De Leon, Coral Gables, Florida 33134.

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: Bill Schultheiss, Hyundai Motor America, 270 Riverside Parkway, Suite A, 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.

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 Power Group International, LLC, intends to allow the establishment of Hull All Star Golf Car, Inc., as a dealership for the sale of Tomberlin low-speed vehicles

manufactured by Power Group International, LLC (TOMB) at 104 Southeast 5th Court, Deerfield Beach (Broward County), Florida 33441, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Hull All Star Golf Car, Inc., are dealer operator(s): David L. Hull, 104 Southeast 5th Court, Deerfield Beach, Florida 33441; principal investor(s): David L. Hull, 104 Southeast 5th Court, Deerfield Beach, Florida 33441.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Elinore Hollingsworth, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Group International, LLC, intends to allow the establishment of Mid Florida Golf Cars Dist, Inc., as a dealership for the sale of Tomberlin low-speed vehicles manufactured by Power Group International, LLC (TOMB) at 750 North Highway 17-92, Longwood (Seminole County), Florida 32750, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Mid Florida Golf Cars Dist, Inc. are dealer operator(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750; principal investor(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, 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: Elinore Hollingsworth, Power Group International, LLC, 3123 Washington Road, Augusta, Georgia 30907.

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

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Rim Int'l West, Inc., intends to allow the establishment of Mojo Power Sports, Inc., as a dealership for the sale of motorcycles manufactured by Huzhou Daixi Zhenhua Technology Trade Co, Ltd. (DAIX) at 707 W. Bay Drive, Largo (Pinellas County), Florida 33770, on or after February 28, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Power Sports, Inc., are dealer operator(s): Michael Fisher, 707 W. Bay Drive, Largo, Florida 33770; principal investor(s): Michael Fisher, 707 W. Bay Drive, Largo, Florida 33770.

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: Wendy Yu, Pacific Rim Int'l West, Inc., 2260 S. Archibald Avenue, #E, Ontario, California 91761.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Pacific Rim Int'l West, Inc., intends to allow the establishment of Punta Gorda Motor Sports, LLC., as a dealership for the sale of motorcycles manufactured by Huahou Daixi Zhenhua Technology Trade Co, Ltd. (DAIX) at 1838 Tamiami Trail, Punta Gorda (Charlotte County), Florida 33950, on or after February 28, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Punta Gorda Motor Sports, LLC., are dealer operator(s): William Aye, 1838 Tamiami Trail, Punta Gorda, Florida 33950, principal investor(s): William Aye, 1838 Tamiami Trail, Punta Gorda, Florida 33950.

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: Wendy Yu, Pacific Rim Int'l West, Inc., 2260 S. Archibald Avenue, #E, Ontario, California, 91761.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Johnny Pag.com, Inc., intends to allow the establishment of Scoot, Inc., as a dealership for the sale of

motorcycles manufactured by Johnny Pag.com, Inc. (PAGS) at 5045 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Scoot, Inc. are dealer operator(s): John Drier, 1819 Wharf Road, Sarasota, Florida 34231-7733; and Lavina Drier, 1819 Wharf Road, Sarasota, Florida 34231 principal investor(s): John Drier, 1819 Wharf Road, Sarasota, Florida and Lavina Drier, 1819 Wharf Road, Sarasota, Florida 34231.

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: J R Pag, Johnny Pag.com, Inc., 1851 McGaw Avenue, Irvine, California 92614.

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

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Kinroad, LP, intends to allow the establishment of Skipper Limited, Inc., as a dealership for the sale of motorcycles manufactured by Kinroad Xintian Motorcycle Manufacturing, Co., Ltd. (KNRO) at P. O. Box 301, Graceville (Jackson County), Florida 32440, on or after March 1, 2010.

The name and address of the dealer operator(s) and principal investor(s) of Skipper Limited, Inc., are dealer operator(s): Robert L. Skipper, P. O. Box 301, Graceville, Florida 32440, principal investor(s): Robert L. Skipper, P. O. Box 301, Graceville, Florida 32440.

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: Michael Yuen, Kinroad, LP, 1135 West Trinity Mills 100, Carrollton, Texas 75006.

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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District gives notice of its intent to issue the following Permit with conditions:

Permit No.: 49-01960-W (Application No.: 081204-10) City of St. Cloud (St. Cloud Stormwater Augmentation for Reuse System) 1300 Ninth Street, St. Cloud, FL 34769, for issuance of a Water Use Permit to provide supplemental irrigation water for the City of St. Cloud's reuse water system. Withdrawals are from two on-site stormwater management ponds via three proposed withdrawal facilities. The project is located in Osceola County, Section 34, Township 25 South, Range 30 East; and, Sections 2, 3, Township 26 South, Range 30 East.

The Staff Report setting forth the staff recommendation regarding the permit, including proposed limiting conditions to provide reasonable assurances that the project meets SFWMD statutes and rules, can be obtained by contacting the Regulatory Records Management Section, during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, Environmental Resource Regulation Department, by telephone (561)682-6911, by e-mail: permits@sfwmd.gov or by accessing the Staff Report directly from the District's website (www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

As required by Sections 120.569(1) and 120.60(3), Florida Statutes, following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

Right to Request Administrative Hearing – A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or 2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions – The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. Filings by e-mail will not be accepted. Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P. O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the

SFWMD's security officer to contact the Clerk's office. An employee of the SFWMD's Clerk's office will receive and file the petition.

- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561)682-6010. Pursuant to subsections 28-106.104(7), (8) and (9), Florida Administrative Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

Initiation of an Administrative Hearing – Pursuant to Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree

to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code, unless otherwise provided by law.

Mediation – The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-405, Florida Administrative Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

Right to Seek Judicial Review – Pursuant to Sections 120.60(3) and 120.68, Florida Statutes, a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration received and accepted the following letters of intent for the March 10, 2010 application filing date for Hospital Beds and Facilities batching cycle:

County: Alachua	District: 3
Date Filed: 2/8/2010	LOI #: H1002001
Facility/Project: North Florida Regional Medical Center	
Applicant: North Florida Regional Medical Center, Inc.	
Project Description: Establish a Level III NICU of up to 15 beds	

County: Pasco	District: 5
Date Filed: 2/8/2010	LOI #: H1002002
Facility/Project: Community Hospital	
Applicant: New Port Richey Hospital, Inc.	
Project Description: Establish a 46-bed adult inpatient psychiatric hospital	

County: Hillsborough	District: 6
Date Filed: 2/8/2010	LOI #: H1002003
Facility/Project: Ten Broeck Children's, Inc.	
Applicant: Ten Broeck Children's, Inc.	
Project Description: Establish an intensive residential treatment facility of up to 40 beds	

County: Hillsborough	District: 6
Date Filed: 2/8/2010	LOI #: H1002004
Facility/Project: Ten Broeck Children's, Inc.	
Applicant: Ten Broeck Children's, Inc.	

Project Description: Establish a child/adolescent psychiatric hospital of up to 40 beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 14, 2010, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 26, 2010.

The Agency for Health Care Administration has received an application for an emergency service exemption from Bartow Regional Medical Center, 2200 Osprey Blvd., Bartow, FL 33831 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, F.A.C. The hospital is requesting emergency service exemptions for Gastroenterology, Neurology, Oncology, Otolaryngology, Urology & Vascular Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Jessica Munn, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone (850)487-2717 or by e-mail: munnj@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), sub-subparagraph 62-4.242(2)(a)2.b., subsection 62-302.700(1) and paragraph 40D-4.301(1)(e), F.A.C., to the U.S. Army Corps of Engineers, 701 San Marco Blvd., Jacksonville, Florida 32207, (File No.: 0270453-002-BV) to allow a temporarily established expanded mixing zone for this project that extends 1,500 meters downcurrent from the dredge site and the placement areas. The requested variance is associated with the proposed maintenance dredging of John's Pass in Pinellas County, Florida (Permit No.: 0270453-001-JC). The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 5050 West Tennessee Street, Tallahassee, Florida, (850)414-7798.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57,

Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the Florida Statutes, is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with: Office of General Counsel of the Department, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)4., F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate

Procedure, with: Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

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/. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On February 8, 2010, 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 Jennifer Ann Silva, L.M.T., License #MA 31171. 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 February 4, 2010, 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 Manuel Nicasio B. Barbeite, M.D., License #ME 35756. 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 February 9, 2010 Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General, issued an Order of Emergency Restriction Order with regard to the license of Michael R. Shook, M.D. License #ME 50886. This Emergency Restriction 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. For additional information, contact the Department of Health, Agency Clerk's Office.

On February 8, 2010, 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 Mike Madsen, R.R.T., License #RT 4532. 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 February 8, 2010, 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 Paula M. Sapp, C.N.A., License #CNA 197180. 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 February 8, 2010, 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 Amelia Vera, C.N.A., License #CNA 138567. 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.

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
CASE NO.: 2009-1568

In Re: The Receivership of Intercontinental Marine Service Corporation d/b/a First Warranty Group of Florida, an entity previously licensed in Florida as a motor vehicle service agreement corporation insurer, as well as a service warranty association (non-auto) insurer.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH INTERCONTINENTAL MARINE SERVICE CORPORATION d/b/a FIRST WARRANTY GROUP OF FLORIDA.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 18th day of December, 2009, the Department of Financial Services of the State of Florida was appointed as Receiver of Intercontinental Marine Service Corporation d/b/a First Warranty Group of Florida and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of Intercontinental Marine Service Corporation d/b/a First Warranty Group of Florida, shall present such claims to the Receiver on or before 11:59 p.m., Friday, December 17, 2010, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for Intercontinental Marine Service Corporation d/b/a First Warranty Group of Florida, Post Office Box 110, Tallahassee, Florida 32302-0110. Additional information may be found at: www.floridainsurancereceiver.org.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 12, 2010):

APPLICATION TO ESTABLISH AN INTERNATIONAL
BRANCH OFFICE

Applicant and Location: Banco Davivienda S.A., Bogotá,
Columbia

Proposed Florida Locations: 1110 Brickell Avenue, Miami,
Florida 33131 and 801 Brickell Avenue, Penthouse 1, Miami,
Florida 33131

Date Received: February 8, 2010

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: GulfShore Bank, 109
North Tampa Street, Suite 1915, Tampa, Florida

Proposed Purchasers: Mario Garcia, Jr., Ivis Garcia, Validus
Holdings, LLLP and Validus Group, LLC

Received: February 9, 2010

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation,
Division of Financial Institutions, has received a request by a
credit union to expand its field of membership. Specific
information regarding the expansion can be found at:
<http://www.flofr.com/banking/cufm.asp>

Name and Address of Applicant: Miami Postal Service Credit
Union, Post Office Box 520622, Miami, Florida 33152

Expansion Includes: Select Employee Group

Received: February 8, 2010

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 1, 2010
 and February 5, 2010

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-210.102	2/3/10	2/23/10	35/48	
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DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

60BB-2.025	2/4/10	2/24/10	35/48	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

61G15-19.004	2/1/10	2/21/10	34/32	35/13
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Florida Building Code Administrators and Inspector

61G19-6.0036	2/1/10	2/21/10	35/47	
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Florida Real Estate Commission

61J2-23.001	2/1/10	2/21/10	35/45	
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DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family

64B4-3.001	2/4/10	2/24/10	35/50	
64B4-3.0085	2/4/10	2/24/10	35/50	
64B4-3.010	2/4/10	2/24/10	35/50	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Medicine

64B8-13.005	2/3/10	2/23/10	35/51	
64B8-51.007	2/3/10	2/23/10	35/50	

Board of Pharmacy

64B16-26.1003	2/4/10	2/24/10	35/52	
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Board of Psychology

64B19-11.001	2/4/10	2/24/10	35/52	
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Optical Establishments

64B29-1.001	2/3/10	2/23/10	35/49	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-2.032	2/5/10	2/25/10	35/49	
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NAVIGATION DISTRICTS

Florida Inland Navigation Districts

66B-1.003	2/2/10	2/22/10	35/50	
66B-1.008	2/2/10	2/22/10	35/50	
66B-1.013	2/2/10	2/22/10	35/50	
66B-2.004	2/2/10	2/22/10	35/50	
66B-2.008	2/2/10	2/22/10	35/50	
66B-2.013	2/2/10	2/22/10	35/50	