

(4) Persons with net family incomes above 200 percent of the OMB poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in paragraphs (a) through (h) above.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended 6-24-02, 6-17-03, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Aquaculture

**RULE NO.:** 5L-1.003  
**RULE TITLE:** Shellfish Harvesting Area Standards  
**PURPOSE AND EFFECT:** These amendments propose to reclassify the shellfish harvesting areas #79 South Banana River and #88 South St. Johns. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the South Banana River and the South St. Johns shellfish harvesting areas.

**SUMMARY:** The proposed reclassification of the South Banana River shellfish harvesting area will: a) decrease the size of the Conditionally Approved area by 1,060 acres, from 14,865 acres to 13,805 acres b) increase the size of Conditionally Restricted area by 223 acres, from 9,572 acres to 9,795 acres, and c) increase the size of the Prohibited area by 3,078 acres, from 3,708 acres to 6,786.

The current management of the South Banana River shellfish harvesting area is based on local rainfall. Proposed management of the South Banana River shellfish harvesting area is based on local rainfall. The average closure frequency of South Banana River Conditionally Approved area is expected to decrease 2.5 days per month from 4.5 days per month to 2.0 days per month, and increase for the Conditionally Restricted area by 1.9 days per month from 0.0 to 1.9 days per month.

The proposed reclassification of the South St. Johns shellfish harvesting area will: a) increase the size of the Conditionally Approved area by 316 acres, from 1,225 acres to 1,541 acres b) decrease the size of Conditionally Restricted area by 361 acres, from 675 acres to 314 acres, and c) decrease the size of the Prohibited area by 6 acres, from 49 acres to 43.

The current management of the South St. Johns shellfish harvesting area is based on local rainfall. Proposed management of the South St. Johns shellfish harvesting area is

based on local rainfall. The average closure frequency of South St. Johns Conditionally Approved area is expected to decrease 4.7 days per month from 8.0 days per month to 3.3 days per month, and remain the same for the Conditionally Restricted area at 0.0 days per month.

Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommend reclassification of the South Banana River and the South St. Johns shellfish harvesting areas.

These amendments place descriptions, references to shellfish harvesting area map numbers and operating criteria for the South Banana River shellfish harvesting area #79 and the South St. Johns shellfish harvesting area #88 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These documents are hereby incorporated in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide illustrations of the South Banana River and the South St. Johns shellfish harvesting area classification boundaries in the shellfish harvesting area maps #79 and #88. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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:** 597.020 FS.

**LAW IMPLEMENTED:** 597.020 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:** October 5, 2009, 3:00 p.m. EST

**PLACE:** 1203 Governors Square Boulevard, 5th Floor, 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 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, 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).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~June 18, 2009~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~June 18, 2009~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301 or is available on the Division’s website at www.FloridaAquaculture.com/pub.htm.

(2) through (11) No change.

Rulemaking Authority 597.020 FS. Law Implemented 597.020 FS. History–New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01(1), 10-14-01(1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, 10-2-07, 4-14-08, 7-28-08, 5-5-09, 6-18-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 17, 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 CORRECTIONS**

RULE NO.: 33-210.105 RULE TITLE: Community Corrections Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to create a procedure for the handling of incoming and outgoing community corrections mail.

SUMMARY: The proposed rule establishes the procedure for handling incoming and outgoing community corrections mail.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.105 Community Corrections Mail.

(1) Only Department of Corrections mail or mail concerning the activities of the department will be processed by Community Corrections staff. Community Corrections employees shall not receive personal mail at the office. Personal mail includes any mail dealing with the personal affairs of the employee not directly related to department matters.

(2) The person in charge of each office or bureau shall designate employees to open and distribute mail received.

(3) Mail marked “personal” or “confidential” will be opened by the designated staff in the presence of the receiving employee.

(4) Staff are prohibited from using Department postage to mail personal mail.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Redd, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.105 RULE TITLE: Restoration of Forfeited Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the procedure by which an inmate requests restoration of forfeited gain time.

SUMMARY: The proposed rule clarifies the procedure inmates must follow in order to request restoration of forfeited gain time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.28 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.105 Restoration of Forfeited Gain Time.

(1) through (2) No change.

(3) How processed.

(a) through (b) No change.

(c) If an inmate believes that he or she is eligible for restoration of forfeited gain time, the inmate must make a request for restoration on Form DC6-236, Inmate Request, and submit the request to his or her classification officer. Requests submitted to other department staff will not be processed. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(d) through (g) No change.

Rulemaking Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History—New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02, 4-10-08, 7-15-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Eligibility for Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation

PURPOSE AND EFFECT: The new rules set forth in this Notice of Proposed Rulemaking implement the procedures and policy relating to the federally funded Emergency Unemployment Compensation Program created by Public Laws 110-252, 110-449, and 111-5 and implemented in Florida through an agreement between the State of Florida and the United States Department of Labor.

SUMMARY: The new rules define terms used in connection with the Emergency Unemployment Compensation Program, describe eligibility criteria and notice requirements, provide a methodology for computing total amount of available benefits, and inform individuals how to apply for Emergency Unemployment Compensation.

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: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.111, 443.151, 443.191, 443.221(3) FS.

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

DATE AND TIME: Friday, October 2, 2009, 2:00 p.m. EDT

PLACE: Agency for Workforce Innovation, Room 114, 107 E. Madison Street, Tallahassee, Florida 32399-4128

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-3.0251 Definitions Relating to Emergency Unemployment Compensation.

(1) Emergency Unemployment Compensation: A federally funded program created by Public Laws 110-252, 110-449, and 111-5 and implemented in Florida through an agreement

between the Agency for Workforce Innovation and the United States Department of Labor which provides additional weeks of unemployment benefits to qualified individuals who have exhausted their rights to regular unemployment compensation on claims that were effective on or after May 2, 2006.

(2) Extended unemployment compensation: Benefits, including benefits payable to federal civilian employees and to ex-servicemembers under 5 U.S.C. ss. 8501-8525, that are payable to an individual under Section 443.1115, Florida Statutes.

(3) Qualifying benefit year: The benefit year established on a Florida claim for regular unemployment compensation which was effective on or after May 2, 2006, and is the basis of the individual's eligibility for emergency unemployment compensation.

(4) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. ss. 8501-8525, other than extended unemployment compensation under Section 443.1115, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.221(3) FS. History--New \_\_\_\_\_.

60BB-3.0252 Eligibility for Emergency Unemployment Compensation.

(1) Eligibility Conditions. Emergency Unemployment Compensation is available to individuals who:

(a) Have exhausted all rights to regular unemployment compensation on a Florida claim with a benefit year that ended on or after May 1, 2007;

(b) Have no rights to unemployment compensation under any other state or federal law;

(c) Are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(d) Are legally authorized to work in the United States.

(2) Exhaustion of Benefits. For purposes of this rule, an individual has exhausted all rights to regular unemployment compensation when that individual:

(a) Has received all regular unemployment compensation available on the qualifying benefit year; or

(b) Had rights to regular unemployment compensation on the qualifying benefit year, but those rights were terminated because the benefit year ended.

(3) Amount Payable.

(a) The amount of emergency unemployment compensation payable to an individual for any week of total unemployment will be equal to the amount of regular unemployment compensation payable during the individual's qualifying benefit year for a week of total unemployment.

(b) The maximum amount of emergency unemployment compensation payable to any individual will not exceed the amount established for such individual in the emergency unemployment compensation account described in Rule 60BB-3.0253, F.A.C.

(4) Applicable Law. The terms and conditions of the law under which the individual claimed and received regular unemployment compensation will apply to claims for and payment of emergency unemployment compensation.

(5) Overpayments. An individual who receives emergency unemployment compensation to which he is not entitled will repay any such overpayment to the Agency for Workforce Innovation. The requirement to repay the overpayment will not be waived.

(a) The Agency may recoup any such overpayments by deducting 50 percent of the weekly benefit amount from any future payments until the overpayment is repaid in full.

(b) Recoupment of overpayments from future benefits may occur at any time during the 3-year period after the date the individual received the payment of the emergency unemployment compensation to which he was not entitled.

(c) No waiver of such recoupment may occur except as permitted by Section 443.151(6)(c), Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151(6), 443.221(3) FS. History--New \_\_\_\_\_.

60BB-3.0253 Emergency Unemployment Compensation Individual Accounts.

(1) Establishment of Account. Persons deemed eligible under Rule 60BB-3.0252, F.A.C., will be paid from emergency unemployment compensation accounts set up for each individual with respect to that individual's benefit year.

(2) Eligibility Established Prior to November 23, 2008. The emergency unemployment compensation accounts of individuals whose period of eligibility began between July 6, 2008 and November 22, 2008, will be augmented as provided in this subsection.

(a) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year, or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(b) Benefits under this subsection may be paid only for weeks of unemployment beginning on or after July 6, 2008.

(c) If the individual exhausts these benefits before November 23, 2008, no further benefits may be paid to the individual except as provided in subsections (3) and (4) of this rule.

(3) Tier One.

(a) Tier one benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(b) The emergency unemployment compensation account of each individual whose period of eligibility began after November 22, 2008, will be augmented with an amount equal to the lesser of:

1. 80 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year, or

2. 20 times the individual's average weekly benefit amount for the benefit year.

(c) The emergency unemployment compensation account of an individual whose period of eligibility began before November 23, 2008 will, if the individual remains otherwise eligible, receive an additional augmentation equal to the amount previously paid under paragraph (b) of this subsection minus the amount actually received under subsection (2).

(d) Tier one benefits may be paid only in cases in which an individual's regular unemployment compensation benefits are exhausted by the week ending December 19, 2009.

(4) Tier Two.

(a) The emergency unemployment compensation account of an individual who receives benefits pursuant to subsection (3) of this rule will receive an additional augmentation pursuant to paragraph (b) of this subsection if:

1. The individual exhausts all first tier benefits by the week ending December 26, 2009;

2. The individual remains otherwise eligible; and

3. During or after the week these benefits are exhausted, but no later than the week ending December 26, 2009, one of the following circumstances occur:

a. An extended benefit period is in effect under the Federal-State Extended Unemployment Compensation Act of 1970;

b. The rate of insured unemployment for the current week and the immediately preceding 12 weeks equals or exceeds 4 percent; or

c. The average rate of total unemployment, seasonally adjusted, for the most recent 3 month period for which data for all States are published equals or exceeds 6 percent.

(b) The amount established in an account under this subsection will equal the lesser of:

1. 50 percent of the total amount of regular unemployment compensation payable to the individual during his or her benefit year, or

2. 13 times the individual's average weekly benefit amount for the benefit year.

(c) Tier two benefits may be paid only for weeks of unemployment beginning on or after November 23, 2008.

(5) Termination of Emergency Unemployment Compensation. An individual who has a balance remaining in his or her individual account as of December 31, 2009, will

continue to receive emergency unemployment compensation from such balance for any week beginning after that date for which he or she meets the eligibility requirements of this rule, except that no compensation will be payable for any week beginning after May 31, 2010.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.111, 443.191, 443.221(3) FS. History—New \_\_\_\_\_.

60BB-3.0254 How to Apply for Emergency Unemployment Compensation.

(1) Method of Application. Individuals whose regular unemployment compensation benefits are exhausted, whose benefit year expires between July 6, 2008 and December 31, 2009, or who are entitled to an augmentation of their emergency unemployment compensation accounts pursuant to Rule 60BB-3.0253, F.A.C., will receive notice regarding their eligibility or ineligibility for emergency unemployment compensation. Individuals who are deemed eligible will receive these benefits without filing an application as long as they comply with the continued claims reporting requirements set forth in Rule 60BB-3.015, F.A.C. All other individuals who wish to receive emergency unemployment compensation must submit an application for benefits to the Agency for Workforce Innovation. Applications must be filed by December 31, 2009. An application may be submitted:

(a) Online by using the Online Internet Unemployment Compensation Claim Application (11/07), or the Online Internet Unemployment Compensation Claim Application (Spanish version) (11/07), which are incorporated by reference in paragraphs 60BB-3.029(1)(yy) and (zz), F.A.C., and which are available at [www.fluidnow.com](http://www.fluidnow.com).

(b) In writing on one of the following forms, which are hereby incorporated by reference into this rule and which are available at [www.floridajobs.org/unemployment/uc\\_emp\\_claims.html](http://www.floridajobs.org/unemployment/uc_emp_claims.html):

(i) Form AWI-UC310EUC (Rev. 12/08);

(ii) Formulario AWI-UC310EUC(S) (Rev. 12/08), or

(iii) Form AWI-UCB310EUC(C) (Rev. 12/08);

or

(c) By telephone at (800)204-2418.

(2) Submitting Written Applications. To submit a written application, the claimant must complete the Form AWI-UC310EUC, (Rev. 12/08), Formulario AWI-UC310EUC(S) (Rev. 12/08), or Form AWI-UCB310EUC(C) (Rev. 12/08), as appropriate, and either:

(a) Mail the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5350, Tallahassee, Florida 32314-5350; or

(b) Fax the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

(3) Notice of Determination.

(a) Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (2) or (3) of Rule

60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC (12/08), which is hereby incorporated by reference into this rule.

(b) Notice of the Agency's determination of a claimant's eligibility or ineligibility for emergency unemployment compensation under subsection (4) of Rule 60BB-3.0253, F.A.C., will be mailed to the claimant on a Form AWI-UCB11 EUC-2 (03/09), which is hereby incorporated by reference into this rule.

(c) Notice of ineligibility for cases in which the claimant does not meet the eligibility requirements of Rule 60BB-3.0252, F.A.C., will be mailed to the claimant on a Form AWI-UCB11-I EUC (06/09), which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.111, 443.151, 443.221(3) FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John R. Perry, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC # 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo, Director, Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-18.014  
RULE TITLE: Continuing Education Seminars

PURPOSE AND EFFECT: The Board proposes to repeal the rule because it is no longer necessary.

SUMMARY: The rule will be repealed because it is no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 489.108, 489.115(4) FS.

LAW IMPLEMENTED: 489.115(4) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board/MQA, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.014 Continuing Education Seminars.

~~(1) The Board shall conduct at least two continuing education seminars each sponsor renewal cycle. Such seminars shall discuss continuing education requirements in effect for the current renewal cycle, questions received by the Board concerning continuing education, continuing education provider requirements currently in effect, and continuing education courses currently approved by the Board. The Board shall notify course providers of each seminar.~~

~~(2) Every continuing education provider shall be required to attend at least one such seminar during each renewal cycle. Failure to do so shall result in action against the continuing education provider's registration as provided in Rule 61G4-18.003, F.A.C.~~

Rulemaking Specific Authority 489.108, 489.115(4) FS. Law Implemented 489.115(4) FS. History-New 4-15-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-18.0055  
RULE TITLE: Supervised Cosmetology Practice Exception

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language to clarify examination procedures.

SUMMARY: The rule amendment will delete unnecessary language to clarify examination procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 477.016, 477.019(4) FS.

LAW IMPLEMENTED: 477.019(4), (5) 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, Board of Cosmetology, P. O. Box 5377, Tallahassee, Florida 32314-5377

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-18.0055 Supervised Cosmetology Practice Exception.

Following the completion of the ~~first~~ licensing examination by a graduate of licensed cosmetology school or cosmetology program offered in a public school system, which school or program is certified by the Department of Education, an applicant for licensure as a cosmetologist by examination is eligible to practice temporarily in a current, actively licensed cosmetology salon under the following conditions:

(1) In the event an applicant obtains passing scores on ~~the first attempt of~~ both the written and clinical examinations, the applicant shall be eligible, prior to having their application acted on by the Board, to practice cosmetology in a licensed salon, provided that they post their examination results for both examinations at their work station with a recent photograph affixed thereto.

(2) No change.

Rulemaking Authority 477.016, 477.019(4) FS. Law Implemented 477.019(4), (5) FS. History--New 11-25-98, Amended 2-25-07, 5-19-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-29.004

RULE TITLE: Licensure by Endorsement; Domiciled

PURPOSE AND EFFECT: The Board proposes the repeal of the rule due to a statutory change.

SUMMARY: The rule will be repealed due to a statutory change.

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: 473.304, 473.3101, 473.323(2) FS.

LAW IMPLEMENTED: 473.309, 473.3101 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.004 Licensure by Endorsement; Domiciled.

~~For purposes of Sections 473.309(1)(a) and (2)(d), F.S., any partner or shareholder in a Florida licensed certified public accountant firm who would otherwise be considered as domiciled in this state shall not be considered to be in violation of subsection 61H1-36.001(5), F.A.C., so long as the partner or shareholder has applied to the Board for licensure within 30 days of the date the partner or shareholder would otherwise be first domiciled in this state and has obtained a license as a Certified Public Accountant in this state within six months from the date of application. Failure to strictly comply with the provisions of this section shall be considered a violation of subsection 61H1-36.001(5), F.A.C.~~

Rulemaking Specific Authority 473.304, 473.3101, 473.323(2) FS. Law Implemented 473.309, 473.3101 FS. History--New 4-24-88, Formerly 21A-29.004, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 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 ENVIRONMENTAL PROTECTION**

RULE NO.: 62-204.800  
 RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through June 30, 2009 the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 52, 53, 58, 60, 63, 65, 75, and 89.

RULEMAKING AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 C.F.R. Part 50, §§ 50.1 through 50.12, revised as of July 1, 2006; amended November 12, 2008, at 73 FR 66963; § 50.13, promulgated October 17, 2006, at 71 FR 61143; § 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; amended October 6, 2008, at 73 FR 58042; amended November 12, 2008, at 73 FR 66963; amended May 19, 2009, at 74 FR 23307; and § 50.15 promulgated, March 27, 2008, at 73 FR 16435; and § 50.16, promulgated November 12, 2008, at 73 FR 66963; are adopted and incorporated by reference.

(b) The following appendices of 40 C.F.R. Part 50, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. through 6. No change.

7. 40 C.F.R. Part 50, Appendix G, Reference Method for the Determination of Lead in Suspended Particulate Matter Collected from Ambient Air; amended November 12, 2008, at 73 FR 66963.

8. through 15. No change.

16. 40 C.F.R Part 50, Appendix Q, Reference Method for the Determination of Lead in Particulate Matter as PM<sub>10</sub> Collected From Ambient Air, promulgated November 12, 2008, at 73 FR 66963.

17. 40 C.F.R Part 50, Appendix R, Interpretation of the National Ambient Air Quality Standards for Lead, promulgated November 12, 2008, at 73 FR 66963.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 C.F.R. Part 51, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R Part 51, Subpart F, Procedural Requirements; amended January 18, 2007, at 72 FR 2193, amended July 16, 2007, at 72 FR 38787; amended March 24, 2008, at 73 FR 15603; amended January 21, 2009, at 74 FR 3437; amended June 23, 2009, at 74 FR 29595.

2. through 5. No change.

(b) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 C.F.R. Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 C.F.R. Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016; amended September 16, 2008, at 73 FR 53378; amended June 1, 2009, at 74 FR 26103.

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods.

The following subparts of 40 C.F.R. Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (b) No change.

(c) 40 C.F.R. Part 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

(d) through (f) No change.

(5) No change.



(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 C.F.R. Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

3. No change.

4. 40 C.F.R. Part 58, Subpart D, Comparability of Ambient Data to NAAQS; amended October 17, 2006, at 71 FR 61235; amended November 12, 2008, at 73 FR 66963.

5. through 6. No change.

(b) The following appendices of 40 C.F.R. Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 58, Appendix A, Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963.

2. 40 C.F.R. Part 58, Appendix C, Ambient Air Quality Monitoring Methodology; amended October 17, 2006, at 71 FR 61235; amended November 12, 2008, at 73 FR 66963.

3. 40 C.F.R. Part 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193; amended November 12, 2008, at 73 FR 66963; amended December 19, 2008, at 73 FR 77517.

4. No change.

5. 40 C.F.R. Part 58, Appendix G, Uniform Air Quality Index (AQI) and Daily Reporting; amended March 27, 2008, at 73 FR 16435; amended June 26, 2009, at 74 FR 30469.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 C.F.R. Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071.

2. 40 C.F.R. Part 60, Subpart Da, Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978; amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended

August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.47a.

3. 40 C.F.R. Part 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.44b(f) and (g) and 40 C.F.R. § 60.49b(a)(4).

4. 40 C.F.R. Part 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; amended January 28, 2009, at 74 FR 5071; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.48c(a)(4).

5. through 12. No change.

13. 40 C.F.R. Part 60, Subpart J, Petroleum Refineries; amended June 24, 2008, at 73 FR 35837; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.109(b).

14. 40 C.F.R. Part 60, Subpart Ja, Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007; promulgated June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78549; except that the Secretary is not the Administrator for the purposes of 40 C.F.R. § 60.109a(b).

14. through 65. renumbered 15. through 66. No change.

~~67.66.~~ 40 C.F.R. Part 60, Subpart OOO, Nonmetallic Mineral Processing Plants; amended April 28, 2009, at 74 FR 19293.

67. through 79. renumbered 68. through 80. No change.

~~81.80.~~ 40 C.F.R. Part 60, Subpart KKKK, Standards for Stationary Combustion Turbines; promulgated July 6, 2006, at 71 FR 38481; amended March 20, 2009, at 74 FR 11858.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 C.F.R. Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; amended November 16, 2007, at 72 FR 64859; amended January 18, 2008, at 73 FR 3567; amended June 24, 2008, at 73 FR 35837; amended December 22, 2008, at 73 FR 78199; amended January 28, 2009, at 74 FR 5071; are

adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 60.4, 40 C.F.R. § 60.8(b)(2) and (3), 40 C.F.R. § 60.11(e)(7) and (8), 40 C.F.R. § 60.13(g), (i) and (j)(2), and 40 C.F.R. § 60.16.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

3. No change.

4. 40 C.F.R. Part 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691; amended May 29, 2009, at 74 FR 25666.

5. through 6. No change.

7. 40 C.F.R. Part 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended May 22, 2008, at 73 FR 29691; amended March 25, 2009, at 74 FR 12575; except that in Method 23, the toluene rinse concentrate may be added to the acetone and methylene chloride concentrate, the filter, and the resin in the Soxhlet apparatus specified at section 5.1.4 of the method prior to analysis, in lieu of separate analysis of the toluene rinse extract pursuant to section 5.1.6 of the method.

8. No change.

9. 40 C.F.R. Part 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709; amended September 7, 2007, at 72 FR 51493; amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.

10. through 11. No change.

12. 40 C.F.R. Part 60, Appendix F, Quality Assurance Procedures, amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709; amended March 25, 2009, at 74 FR 12575.

(9) through (10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 C.F.R. Part 63, Subpart G, Organic Hazardous Air Pollutants From the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended June 23, 2003, at 68 FR 37333; amended December 23, 2004, at 69 FR 76859; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.153(c)(1) through (4).

3. 40 C.F.R. Part 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks; amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.183(c)(1) through (4).

4. through 10. No change.

11. 40 C.F.R. Part 63, Subpart R, Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations); amended June 23, 2003, at 68 FR 37333; amended December 19, 2003, at 68 FR 70959; amended April 6, 2006, at 71 FR 17352; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.429(c)(1) through (4).

12. through 13. No change.

14. 40 C.F.R. Part 63, Subpart U, Group I Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.507(c)(1) through (4).

15. through 23. No change.

24. 40 C.F.R. Part 63, Subpart HH, Oil and Natural Gas Production Facilities; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended January 3, 2007, at 72 FR 26; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.776(c)(1) through (4).

25. through 43. No change.

44. 40 C.F.R. Part 63, Subpart GGG, Pharmaceuticals Production; amended April 2, 2002, at 67 FR 15486; amended June 23, 2003, at 68 FR 37333; amended May 13, 2005, at 70 FR 25665; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1261(c)(1) through (4).

45. 40 C.F.R. Part 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; amended September 27, 2001, at 66 FR 49299; amended February 22, 2002, at 67 FR 8202; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1286(c)(1) through (4).

46. No change.

47. 40 C.F.R. Part 63, Subpart JJJ, Group IV Polymers and Resins; amended July 16, 2001, at 66 FR 36924; amended August 6, 2001, at 66 FR 40903; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1336(c)(1) through (4).

48. through 56. No change.

57. 40 C.F.R. Part 63, Subpart VVV, Publicly Owned Treatment Works; amended October 21, 2002, at 67 FR 64741; amended June 23, 2003, at 68 FR 37333; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.1594(c)(1) through (4).

58. through 61. No change.

62. 40 C.F.R. Part 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; amended July 17, 2008, at 73 FR 40977; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.2402(b)(1) through (4).

63. 40 C.F.R. Part 63, Subpart FFFF, Miscellaneous Organic Chemical Manufacturing; promulgated November 10, 2003, at 68 FR 63851; amended July 1, 2005, at 70 FR 38553; amended August 30, 2005, at 70 FR 51269; amended March 1, 2006, at 71 FR 10439; amended April 20, 2006, at 71 FR 20445; amended July 14, 2006, at 71 FR 40315; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.2545(b)(1) through (4).

63. through 76. No change.

77. 40 C.F.R. Part 63, Subpart UUUU, Cellulose Products Manufacturing; promulgated June 11, 2002, at 67 FR 40043; amended June 24, 2005, at 70 FR 36523; amended August 10, 2005, at 70 FR 46683; amended April 20, 2006, at 71 FR 20445; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.5605(b)(1) through (4).

77. through 88. No change.

89. 40 C.F.R. Part 63, Subpart GGGG, Site Remediation; promulgated October 8, 2003, at 68 FR 58171; amended April 20, 2006, at 71 FR 20445; amended November 29, 2006, at 71 FR 69011; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.7956(c)(1) through (4).

90. 40 C.F.R. Part 63, Subpart HHHH, Miscellaneous Coating Manufacturing; promulgated December 11, 2003, at 68 FR 69163; amended December 29, 2003, at 68 FR 75033; amended May 13, 2005, at 70 FR 25675; amended July 6, 2005, at 70 FR 38780; amended December 21, 2005, at 70 FR 75923; amended April 20, 2006, at 71 FR 20445; amended

October 4, 2006, at 71 FR 58499; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.8100(b)(1) through (4).

91. through 101. No change.

102. 40 C.F.R. Part 63, Subpart YYYYY, National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities; promulgated December 28, 2007, at 72 FR 74087; amended December 1, 2008, at 73 FR 72727; except that the Secretary is not the Administrator for purposes of 40 C.F.R. §§ 63.10691(c)(1) through (6).

103. through 116. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 C.F.R. Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2007, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; amended July 16, 2007, at 72 FR 38863; amended October 29, 2007, at 72 FR 61060; amended November 16, 2007, at 72 FR 64859; amended December 26, 2007, at 72 FR 73179; amended December 28, 2007, at 72 FR 74087; amended January 2, 2008, at 73 FR 225; amended January 18, 2008, at 73 FR 3567; amended February 7, 2008, at 73 FR 7210; amended December 22, 2008, at 73 FR 78199; except that the Secretary is not the Administrator for purposes of 40 C.F.R. § 63.5(e), 40 C.F.R. § 63.5(f), 40 C.F.R. § 63.6(g), 40 C.F.R. § 63.6(h)(9), 40 C.F.R. § 63.6(j), 40 C.F.R. § 63.13, and 40 C.F.R. § 63.14.

2. through 5. No change.

(e) Appendices Adopted. The following appendices of 40 C.F.R. Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Test Methods; amended March 25, 2009, at 74 FR 12575; amended April 23, 2009, at 74 FR 18474.

2. through 5. No change.

(12) No change.

(13) Title 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule. The following subparts of 40 C.F.R. Part 65, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 C.F.R. Part 65, Subpart A, General Provisions; amended April 20, 2006, at 71 FR 20445; amended August 27, 2007, at 72 FR 48938; amended December 28, 2007, at 72 FR 73625; amended December 22, 2008, at 73 FR 78199.

(b) through (g) No change.

(14) through (18) No change.

(19) Title 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) No change.

(b) The following appendices of 40 C.F.R. Part 75, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Specifications and Test Procedures; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311; amended November 4, 2008, at 73 FR 65554.

2. Appendix B, Quality Assurance and Quality Control Procedures; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311.

3. through 5. No change.

6. Appendix F, Conversion Procedures; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311; amended February 13, 2008, at 73 FR 8408.

7. through 8. No change.

9. Appendix I, Optional F-Factor/Fuel Flow Method; amended September 7, 2007, at 72 FR 51493.

11. Appendix K, Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems; amended September 7, 2007, at 72 FR 51493; amended January 24, 2008, at 73 FR 4311.

(20) through (24) No change.

(25) Title 40, Code of Federal Regulations, Part 89, Control of Emissions From New and In-Use Nonroad Compression-Ignition Engines. The following subparts of 40 C.F.R. Part 89, revised as of July 1, 2007, or later as specifically indicated, are adopted and incorporated by reference.

(a) 40 C.F.R. Part 89, Subpart A, General; amended February 24, 2009, at 74 FR 8309.

(b) No change.

(26) through (27) No change.

PROPOSED EFFECTIVE DATE OCTOBER 16, 2009.

Rulemaking Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History–New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08, 10-6-08, 12-1-08, 10-16-09.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-40.003  
 RULE TITLE: Delegation of Powers and Duties  
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify delegation of powers and duties.

SUMMARY: The rule clarifies the delegation of powers and duties.

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: 468.507 FS.

LAW IMPLEMENTED: 468.507 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:

64B8-40.003 Delegation of Powers and Duties.

(1) Pursuant to Section 468.506, Florida Statutes, the Board delegates to the Council the following powers and duties:

(a) Approval and denial ~~Certification~~ of dietitian/nutritionist by endorsement or examination and certification of nutrition counselor by employment status as of April 1, 1988.

(b) Issuance and denial of temporary permits to applicants for endorsement or examination.

(c) Approval and denial of continuing education programs and providers of continuing education programs in dietetics and nutrition practice.

Rulemaking Specific Authority 468.507 FS. Law Implemented 468.507 FS. History–New 4-9-89, Formerly 21M-46.003, 61F6-46.003, Amended 11-16-95, Formerly 59R-40.003, Amended 6-21-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Council/MQA  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: Dietetics and Nutrition Council/MQA  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 17, 2009

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-15.002	Sites – Mobile Home, Lodging, and Recreational Vehicle Parks
64E-15.003	Water Supply
64E-15.004	Sewage Disposal
64E-15.006	Plumbing
64E-15.007	Garbage and Refuse Disposal
64E-15.009	Recreational Camp Standards
64E-15.010	Permits and Fees

PURPOSE AND EFFECT: Develop rules to clarify language; bring incorporated references current; incorporate necessary modifications to avert waterborne pathogen transmission; and remove certain language to eliminate the need for variances being filed by the regulated community and incorporate a form by reference. The effect will be to provide a greater usability for the regulated community and the department.

SUMMARY: The proposed rule incorporates changes suggested by the Office of General Counsel. The proposals address rules and/or rule titles, codes and referenced standards; forms, waterborne pathogen transmission; setbacks in RV parks; and a grammatical error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. There are currently over 5500 parks and camps in Florida. This rule change has a potential impact on anyone seeking to construct or modify an RV Park or install a non-potable water system in a park or camp. The department anticipates a positive impact for industry for the construction of new or modified RV parks; no impact for changes to referenced codes, rules or referenced standards; and a negative impact on those existing parks that have potable and non-potable water pipes co-located in parks or camps. The department does not believe there to be more than 12 parks or camps where potable and non-potable water supplies are co-located. No effect on revenues or expenditures is anticipated for any governmental entity other than the Department of Health. The estimated costs to the department for this proposed rule change are \$3000.00. No new filing fees, licenses or licensing fees are required. Approximately 12 parks are anticipated to be adversely affected; new RV parks will be positively affected; and other existing parks will experience a no effect. The estimated cost for compliance, where potable

and non-potable water spigots co-located, is between \$1.00 and \$10.00 per space. There is no anticipated impact on small counties or small cities. The affected parks are not mandated how to correct the co-location of potable and non-potable water but are allowed to formulate their own options to meet the requirements. There have been no written proposals submitted under paragraph 120.541(1)(a), F.S.

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: 381.006, 513.05 FS.

LAW IMPLEMENTED: 381.006(1), (4), (6), (7), (14), 381.0072, 386.041, 403.862(1)(f), 513.012, 513.03, 513.05, 513.08, 553.73 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: Laura Wehunt, Bureau of Community Environmental Health Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710. 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: David B. Wolfe, HSEC, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-15.002 Sites – Mobile Home, Lodging, and Recreational Vehicle Parks.

(1) through (2) No change.

(3) Recreational Vehicle Parks. The minimum size and location of each recreational vehicle space constructed or developed after the effective date of this rule shall be as follows:

(a) Each recreational vehicle space shall contain a minimum of 1200 square feet.

(b) The density shall not exceed 25 recreational vehicle units per acre of gross site.

(c) Each tent space shall contain a minimum of 500 square feet.

~~(d) All recreational vehicle units or accessory buildings shall be parked or located 25 feet from any public street or highway right-of-way.~~

~~(d)(e)~~ Each recreational vehicle space shall be clearly identified.

Rulemaking Specific Authority ~~381.006, 381.011(13)~~, 513.05 FS. Law Implemented 513.012, 513.05 FS. History–New 5-20-96, Formerly 10D-26.110, Amended \_\_\_\_\_.

#### 64E-15.003 Water Supply.

(1) The water supply for each Mobile Home Park, Lodging Park, Recreational Vehicle Park, or Recreational Camp, shall comply with the provisions of Chapter 64E-8, F.A.C., Drinking Water Systems; or Chapter 62-550, F.A.C., Drinking Water Standards, Monitoring and Reporting Permitting and Construction of Public Water Systems, 40 CFR 141, Subpart I – Control of Lead and Copper, Edition of July, 2000, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart L – Disinfection and Residuals, Disinfection Byproducts and Disinfection Byproduct Precursors, Edition of July 1, 2003, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart O – Consumer Confidence Reports, Edition of July 1, 2004, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, Chapter 62-551, F.A.C., Control of Lead and Copper, Chapter 62-555, F.A.C., Permitting, Construction, Operation, and Maintenance of Public Water Systems ~~Drinking Water Standards, Monitoring and Reporting~~, and Chapter 62-560, F.A.C., Requirements for Public Water Systems That Are Out of Compliance. The system for each park shall be designed for the maximum water demand.

(2) No change.

(3) Every building in a recreational vehicle park which provides personal hygiene or cooking facilities shall be connected to an approved, potable water supply which meets the minimum requirements of subsection (1) above. Recreational vehicle parks shall also comply with the following additional requirements:

(a) In recreational vehicle parks, where each space is served by a water supply service connection, the connection shall be protected against the hazards of backflow and back-siphonage.

(b) All recreational vehicle parks shall provide at least one easily accessible, backflow and back-siphonage protected potable water supply station with a water supply outlet for filling vehicle storage tanks. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 100 spaces, or fraction thereof, that do not have water hookups at the site. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 250 spaces, or fraction thereof, when more than 50 percent of the spaces have water and sewer hookups.

(c) Non-potable water accessibility shall not be co-located with potable water access points (hydrants, taps, or hose bibbs). Non-potable water access shall be designated and

secured to prevent use as a potable water supply. Residents and guests shall be informed how to identify any non-potable water accessibility points within a park or camp.

Rulemaking Specific Authority ~~381.006, 381.011(13)~~, 513.05 FS. Law Implemented 381.006(1), 386.041, 403.862(1)(f), 513.012, 513.12, 513.05 FS. History–New 5-20-96, Formerly 10D-26.120, Amended \_\_\_\_\_.

#### 64E-15.004 Sewage Disposal.

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, Standards for ~~Individual~~ Onsite Sewage Treatment and Disposal Systems, or Chapter 62-600, F.A.C., Domestic Wastewater Facilities ~~Treatment Requirements~~. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(2) through (7) No change.

Rulemaking Specific Authority ~~381.006, 381.011~~, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.05, 513.08, FS. History–New 5-20-96, Formerly 10D-26.130, Amended 1-6-03, \_\_\_\_\_.

#### 64E-15.006 Plumbing.

Plumbing shall be in compliance with the applicable plumbing requirements of the 2007 edition of the Florida Building Code, herein incorporated by reference and available free on the internet at <http://www2.iccsafe.org/states/florida/codes/provisions-of-the-state-building-code>, as adopted in Rule 9B-3.047, F.A.C.

Rulemaking Specific Authority ~~381.006, 381.011~~, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.05, 513.08, 553.73 FS. History–New 5-20-96, Formerly 10D-26.150, Amended \_\_\_\_\_.

#### 64E-15.007 Garbage and Refuse Disposal.

(1) through (2) No change.

(3) All garbage shall be collected twice weekly or in accordance with the frequency of the collection jurisdiction and transported in covered vehicles or covered containers. Burning of refuse in the park or camp is prohibited, except in incinerators for which the design and location has been approved by the Department of Environmental Protection. Refuse shall be transported and disposed of in accordance with provisions of Chapter 62-701, F.A.C., Solid Waste Management Facilities.

Rulemaking Specific Authority ~~381.006, 381.011~~, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, 513.05, 513.012 FS. History–New 5-20-96, Formerly 10D-26.160, Amended \_\_\_\_\_.

#### 64E-15.009 Recreational Camp Standards.

(1) through (3) No change.

(4) Electric Wiring-Recreational Camps. Electric wiring shall be installed in accordance with the electrical requirements provisions of the 2008 version local electrical ordinance or if

~~no such ordinance exists, in accordance with the provisions of the latest edition of the National Electrical Code which is incorporated herein by reference and available online from the National Fire Protection Association at www.NFPA.org.~~

(5) through (8) No change.

Rulemaking Specific Authority ~~381.006, 381.0011~~, 513.05 FS. Law Implemented 381.006(6), (14), 381.0072, 513.05 FS. History–New 5-20-96, Formerly 10D-26.180, Amended \_\_\_\_\_.

64E-15.010 Permits and Fees.

(1) through (3) No change.

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Camps Program, which is incorporated herein by reference and furnished by the department through the county health departments.

(5) Inspections. DH Form 4039, 10/09, Mobile Home, Lodging, Recreational Vehicle Park, Recreational Camp and Migrant Park Inspection Report shall be used for inspections of all parks or camps and is herein incorporated by reference and may be obtained from the department at any of the 67 local county health departments in the state.

Rulemaking Specific Authority ~~381.0011(13)~~, 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-.00895, 386.03, ~~512.065~~, 513.012, 513.02, 513.03, 513.045, 513.065 ~~513.05~~ FS. History–New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David B. Wolfe (850)245-4277

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: June 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-64.005  
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed amendment changes the amount of firefighter line of duty death benefits in accordance with the June 2009 Consumer Price Index, as directed by statute.

SUMMARY: The rule decreases the amount of firefighter line of duty death benefits.

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: 112.191 FS.

LAW IMPLEMENTED: 112.191 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:

DATE AND TIME: Monday, October 5, 2009, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lesley Mendelson, (850)413-3604. 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: Lesley Mendelson, (850)413-3604

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2009~~ ~~2008~~ through June 30, 2010 ~~2009~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for June, 2009 ~~2008~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$59,879~~ ~~\$60,140.00~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$59,879~~ ~~\$60,140.00~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$175,565.91~~ ~~\$166,779.27~~.

Rulemaking Authority 112.191 FS. Law Implemented 112.191 FS. History–New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, 4-13-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mike Bannister, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

**Section III**  
**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:	RULE TITLES:
12A-1.011	Food and Drink for Human Consumption; Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business
12A-1.0115	Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies
12A-1.071	Rentals, Leases, or License to Use Tangible Personal Property

**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. 33, No. 41, October 12, 2007 and Notice of Change published in Vol. 35, No. 3, January 23, 2009 and Vol. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

In response to written comments received regarding the sale of drinking water, subsection (6) of Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Sales of Bakery Products by Bakeries, Pastry Shops, or Like Establishments; Drinking Water; Ice), and subsection (3) of Rule 12A-1.0115, F.A.C. (Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies), have been changed.

When adopted, subsection (6) of Rule 12A-1.011, F.A.C., will read:

(6) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. Drinking water in bottles, cans, or other containers sold

through a vending machine, push cart, motor vehicle, or any other form of vehicle is exempt. See Rule 12A-1.044, F.A.C., for sales through vending machines.

When adopted, subsection (3) of Rule 12A-1.0115, F.A.C., will read:

(3) VENDING MACHINES AND MOBILE VENDORS. Food products sold through a vending machine, push cart, motor vehicle, or any other form of vehicle are subject to tax. Drinking water in bottles, cans, or other containers sold through a vending machine, push cart, motor vehicle, or any other form of vehicle is exempt. See Rule 12A-1.044, F.A.C., for sales through vending machines.

In response to comments received at the public hearing held on August 31, 2009, proposed subsection (7), Caterers, of Rule 12A-1.0115, F.A.C., and the proposed removal of subsection (33) of Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), have been withdrawn for further consideration. The proposed title of Rule 12A-1.0115, F.A.C., has been changed to remove the reference to caterers, so that, when adopted, the title will read "Sales of Food Products Served, Prepared, or Sold in or by Restaurants, Lunch Counters, Cafeterias, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies." Proposed subsections (8) through (13) of Rule 12A-1.0115, F.A.C., have been renumbered (7) through (12).

**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 NO.:	RULE TITLE:
40D-1.607	Permit Processing Fee

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Formatting was lost in subsection 40D-1.607(7), F.A.C., such that the last word "new" in paragraph (a) should have been shown as stricken; the last two words "permit renewal" in (c) should have been shown as stricken; the second 'new' in (g) should be stricken; the second "renewal" in (i) should be stricken; the second "new" in (m) should be stricken; the words "Permit new" should not be added to the end of (n); and, the second "renewal" in (o) should be stricken. The proposed rules are correctly shown below: