

sent to the Corporation within three working days of the plan being electronically transmitted. The mailed copy submitted to the corporation shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall be printed on 8 1/2" x 11" paper or electronic submission and contain a table of contents or checklist, which specifies exactly where in the documentation certain required items shall be located. Each local housing assistance plan amendment shall be coded with text which is being deleted struck through and text being added underlined. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation a clean copy (no strike through or underline) for Corporation files.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2), 420.9075 FS. History--New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.005, Amended 12-26-99, 9-22-03, 1-30-05,_____.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) through (5) No change.

(6) The sales price or value of new or existing homes which are sold or rehabilitated under the SHIP Program may not exceed 90 percent of the average area purchase price in the statistical area in which the housing is located. The local government at its discretion may set the sales price or value below the 90 percent benchmark. The maximum area purchase price used must be that established by the United States Department of Treasury or that calculated in accordance with Section 420.9075(5)(4)(c), F.S.

(7) through (12) No change.

(13) The local government may require that housing units receiving assistance from local housing distribution funds deposited to the local housing assistance trust fund be located within the boundaries of the local government's ~~governmental's~~ jurisdiction which has been approved for receipt of local housing distribution funds.

(14) No change.

(15) The Corporation shall monitor the activities of the local governments to determine compliance with program requirements as noted in Rule 67-53.005, F.A.C., and Section 420.9075(3)(e), F.S.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History--New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.007, Amended 12-26-99, 9-22-03,_____.

67-37.008 Local Housing Assistance Trust Fund.

(1) No change.

(2) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June ~~April~~ 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(3) An interlocal entity shall have its local housing assistance trust fund separately audited for each State fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than June ~~April~~ 30th of the following fiscal year.

(4) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History--New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.008, Repromulgated 12-26-99, Amended 9-22-03, 1-30-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, Program Manager, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1156

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, Program Administrator, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-3 Feed

RULE NO.: RULE TITLE:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejecting Feed and Feedstuff; Reduced Sampling

Requirements; Laboratory
 Certification/Exemption
 Requirements 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), F.S., as published in Vol. 32, No. 24, June 16, 2006 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

- (1) Definitions.
 - (a) through (b) No change.
 - (c) The term “product type” means mixed: poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other feed.
 - (d) The term “Mixed Feed” means a product which is a mixture of nutritional ingredients intended or represented for use as a substantial source of nutrients in an animal diet, which may or may not be limited to the sole ration of the animal.
 - (e) The term “Ingredient” means each of the constituent materials used to make a commercial feed.
 - (f) The term “Other Feed” is inclusive of all other commercial feed products intended for consumption by species of animals not previously stipulated.
 - (g) The term “Grain or Grain Products” includes Barley, Maize – (Corn Products), Grain Sorghum, Oats, Rice, Rye, Triticale, and Wheat.
 - (h) The term “Other Feed Ingredients” is inclusive of all ingredients other than Cottonseed Products, Peanut Products, and ingredients identified as “Grain or Grain Products”
 - (i) The term “Treats” includes products identified as Snacks, Chews, Biscuits, Cookies, or Bones that are intended for intermittent or supplemental feeding only and which are not intended or represented to serve as the primary source of nutrients in an animal diet.
 - (j) The term “Mineral or Vitamin Supplement” means all mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient.

- (2) Inspection.
 - (a) through (b) No change.
- (3) Sample and Analytical Documentation.
 - (a) through (c) No change.

(d) ~~Positive microbiological organism, pesticide residues, drugs and mycotoxin results must be reported within 48 hours of completion of analyses to the department.~~

(4) Sampling Requirements, Frequency, and Analysis Requirements.

The sampling period shall run concurrently with the registration period. Samples of commercial feed and feedstuffs shall be submitted quarterly, to laboratories certified by the Department, corresponding to the tonnage reported to the Department. A minimum of one sample shall be submitted by the end of the first quarter of each year. The sampling period ends June 1st of each year. The sampling frequency and analysis requirements to be used by feed registrants ~~approved certified laboratories and approved quality assurance/quality control programs~~ are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department shall require additional feed sample analyses.

- (a) Ingredients.
 - 1. Nutrients – No analyses required.
 - 2. Mycotoxins.
 - a. Aflatoxins.
 - (I) ~~Grain and Grain Products~~ Maize – (Corn Products) One sample per 5,000 tons distributed shall have a quantitative analysis performed;
 - (II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;
 - (III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;
 - ~~(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;~~
 - ~~(IV)(V)~~ There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;
 - ~~(V)(V4)~~ No aflatoxin analysis is required on ingredients not listed above.
 - b. Fumonisin.
 - (I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed; ~~Corn screenings – One sample per year per distributor shall have a quantitative analysis performed.~~
 - (II) No fumonisin analysis is required on ingredients not listed above.
 - c. Vomitoxin.
 - (I) Grain and grain products (excluding Maize – Corn Products) – One sample per 25,000 tons shall have a quantitative analysis performed;
 - (II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products (excluding Maize – Corn Products);

(III) No vomitoxin analysis is required on ingredients not listed above.

~~3. Microorganisms — Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.~~

~~4. Pesticide Residues — All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.~~

~~3.5. Drugs —~~

~~a. The FDA requirements as provided in 21 C.F.R. parts 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.~~

~~b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401. No analysis required.~~

(b) Mixed Feeds.

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency shall ~~may~~ be reduced to one per every 1000 tons;

b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

d. Treats shall be exempt from nutrient sampling and analysis requirements.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals or vitamin supplements and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals or vitamin supplements and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

d. Treats shall be exempt from mycotoxin sampling and analysis requirements.

~~3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.~~

~~3.4. Pesticide Residues — No analysis required.~~

~~4.5. Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401.

(5) through (6) No change.

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

(d) Commercial Laboratory Certification — Application, Evaluation and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS-13401, Rev. 10/02 ~~6/04~~) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees. Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. through 5. No change.

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401, Rev. 10/02 ~~6/04~~) provided by the department.

(e) through (g) No change.

(8)(a) No change.

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 ~~6/04~~). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 ~~6/04~~) is hereby incorporated by reference. Copies may be obtained from Florida Department

of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) through (f) No change.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95, 11-1-01, _____.

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

Board of Architecture and Interior Design

RULE NO.: 61G1-23.010
RULE TITLE: Responsible Supervising Control Over Architectural Practice in the Architect's Office

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 32, No. 13, March 31, 2006, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-23.015
RULE TITLE: Responsible Supervising Control Over Architectural Practice Outside of the Architect's Office

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 35, September 2, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

This change was requested by the U.S. Environmental Protection Agency and was approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

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) through (8) No change.

(9) Chapter 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) through (g) No change.

(h) Coal-Fired Electric Steam Generating Units. 40 CFR 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units, revised as of July 1, 2005, amended June 9, 2006, at 71 FR 33388, is hereby adopted and incorporated by reference, subject to the provisions set forth at Rule 62-296.480, F.A.C.

(10) through (24) No change.

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, _____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-296.470 Implementation of Federal Clean Air
 Interstate Rule

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

These changes were presented to and approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

62-296.470 Implementation of Federal Clean Air Interstate Rule.

(1) Definitions. For purposes of this rule, the terms “CAIR,” “CAIR NO_x allowance,” “CAIR NO_x Annual Trading Program,” “CAIR NO_x Ozone Season allowance,” “CAIR NO_x Ozone Season Trading Program,” “CAIR NO_x Ozone Season unit,” “CAIR NO_x unit,” “CAIR SO₂ allowance.” “CAIR SO₂ Trading Program,” “CAIR source,” and “CAIR unit,” shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 96 cited within this rule are adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for purposes of the verbatim application of the cited subparts of 40 CFR Part 96, as modified by the substitute language set forth in this rule, the definitions contained within 40 CFR Part 96, Subparts AA, AAA, and AAAA, shall apply, with the understanding that the term “permitting authority” shall mean the Department, the term “State” shall mean the State of Florida, the phrase “permitting authority’s title V operating permits regulations” shall mean Chapter 62-213, F.A.C., and the terms “best available control technology (BACT)” and “biomass” shall have the meanings given at Rule 62-210.200, F.A.C.

(2) No change.

(3) CAIR NO_x Annual Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart II, CAIR NO_x Opt-In Units, shall not apply.

(a) through (c) No change.

(d) Subpart EE, CAIR NO_x Allowance Allocations, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 96.142(a)(1), substitute:

“The baseline heat input (in mmBtu) used with respect to CAIR NO_x allowance allocations under paragraph (b) of this section for each CAIR NO_x unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 96.141(a) or 96.141(b); with the adjusted control period heat input for each year calculated as follows:

(A) If the unit is 85 percent or more (on a Btu basis) biomass-fired during the year and is subject to best available control technology (BACT) for NO_x emissions, the unit’s control period heat input for such year is multiplied by 150 percent;

(B) If the unit is coal-fired during the year, and not subject to paragraph (a)(1)(i)(A) of this section for the year, the unit’s control period heat input for such year is multiplied by 100 percent;

(C) If the unit is oil-fired during the year, the unit’s control period heat input for such year is multiplied by 60 percent; and

(D) If the unit is not subject to paragraph (a)(1)(i)(A), (B), or (C) of this section, the unit’s control period heat input for such year is multiplied by 40 percent.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit’s total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 96.141(b).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, for any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allocations: zero (0).”

4. through 12. No change.

(e) through (g) No change.

(4) CAIR Annual SO₂ Trading Program. All provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart III, CAIR SO₂ Opt-In Units, shall not apply.

(a) through (f) No change.

(5) CAIR NO_x Ozone Season Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart III, CAIR NO_x Ozone Season Opt-In Units, shall not apply.

(a) through (c) No change.

(d) Subpart EEEE, CAIR NO_x Ozone Season Allowance Allocations, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 96.342(a)(1), substitute;

“The baseline heat input (in mmBtu) used with respect to CAIR NO_x Ozone Season allowance allocations under paragraph (b) of this section for each CAIR NO_x Ozone Season unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 96.341(a) or 96.341(b); with the adjusted control period heat input for each year calculated as follows:

(A) If the unit is 85 percent or more (on a Btu basis) biomass-fired during the year and is subject to best available control technology (BACT) for NO_x emissions, the unit’s control period heat input for such year is multiplied by 150 percent;

(B) If the unit is coal-fired during the year, and not subject to paragraph (a)(1)(i)(A) of this section for the year, the unit’s control period heat input for such year is multiplied by 100 percent;

(C) If the unit is oil-fired during the year, the unit’s control period heat input for such year is multiplied by 60 percent; and

(D) If the unit is not subject to paragraph (a)(1)(i)(A), (B), or (C) of this section, the unit’s control period heat input for such year is multiplied by 40 percent.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit’s total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 96.341(b).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, for ~~For~~ any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allocations: zero (0).”

4. through 9. No change.

(e) through (g) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New_____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-296.480
 RULE TITLE: Implementation of Federal Clean Air Mercury Rule
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

These changes were presented to and approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

62-296.480 Implementation of Federal Clean Air Mercury Rule.

(1) Definitions. For purposes of this rule, the terms “Hg,” “Hg allowance,” “Hg Budget Trading Program,” “Hg Budget source,” and “Hg Budget unit” shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 60 cited within this rule are from 40 CFR Part 60, Subpart HHHH, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for ~~For~~ purposes of the verbatim application of the cited provisions of 40 CFR Part 60, Subpart HHHH, as modified by the substitute language set forth in this rule, the definitions

contained within such subpart shall apply, with the understanding that the term “permitting authority” shall mean the Department, the term “State” shall mean the State of Florida, and the phrase “permitting authority’s title V operating permits regulations” shall mean Chapter 62-213, F.A.C.

(2) No change.

(3) Hg Allowance Transfers from the Department.

(a) Pursuant to the provisions of 40 CFR 60.4151(b), the Department shall establish a general account in its name and, for control periods 2012 ~~2010~~ through 2017, allocate to such account Hg allowances equal to 25 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under 40 CFR 60.4140, rounded to the nearest whole allowance.

(b) If, at the end of any of the control periods 2012 ~~2010~~ through 2017, a Hg Budget unit equipped with add-on Hg emission controls, a flue gas desulfurization system, or a combination flue gas desulfurization/selective catalytic reduction system reports Hg emissions in excess of the Hg allowances it was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), the Department, pursuant to the provisions of 40 CFR 60.4160 and by the allowance transfer deadline for the control period, shall transfer Hg allowances from its general account to the compliance account of the Hg budget unit in the amount by which the Hg emissions reported by the reporting deadline in accordance with 40 CFR 60.4170 through 60.4176 exceed the Hg allowances the unit was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), provided that:

1. The designated representative of the Hg Budget unit requests such transfer and certifies that during such control period the add-on Hg emission control equipment, flue gas desulfurization system, or combination flue gas desulfurization/selective catalytic reduction system was operated at all times except for periods of unit or emission control equipment outage necessitated by maintenance operations or emergency conditions; and

2. No change.

(c) On or after May 1 of each control period, the Department shall determine how many Hg allowances of prior control period vintage remain in its general account. The Department shall make these allowances available to new Hg Budget units in accordance with the following procedure:

1. If the Department allocates allowances for the control period pursuant to 40 CFR 60.4142 (c)(4)(iv) After allocating all available allowances pursuant to 40 CFR 60.4142(e)(4)(iv), the Department shall compute, for each Hg Budget unit that receives Hg allowances pursuant to such paragraph and for all such units in total, the shortfall between the number of Hg allowances requested, as determined pursuant to 40 CFR 60.4142(c)(4), (i), and the number of Hg allowances allocated pursuant to 40 CFR 60.4142(c)(4)(iv).

2. through 4. No change.

(d) No change.

(4) Hg Budget Trading Program. Except as otherwise provided herein, all provisions of the following sections of 40 CFR Part 60, Subpart HHHH, shall apply verbatim.

(a) through (c) No change.

(d) Hg Allowance Allocations, 40 CFR 60.4140 through 60.4142, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 60.4142(a)(1), substitute:

“The baseline heat input (in MMBtu) used with respect to Hg allowance allocations under paragraph (b) of this section for each Hg Budget unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 60.4141(a) or 60.4141(b)(1); with the adjusted control period heat input for each year calculated as the sum of the following:

(A) Any portion of the unit’s control period heat input for the year that results from the unit’s combustion of lignite, multiplied by 3.0;

(B) Any portion of the unit’s control period heat input for the year that results from the unit’s combustion of subbituminous coal, multiplied by 1.25; and

(C) Any portion of the unit’s control period heat input for the year that is not covered by paragraph (a)(1)(i)(A) or (B) of this section, multiplied by 1.0.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit’s total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the

maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 60.4141(b)(1).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii), for ~~For~~ any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allowance allocations: zero (0).”

4. In lieu of the language at 40 CFR 60.4142(b)(1), substitute:

“For each control period in 2012 ~~2010~~ through 2017, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of Hg allowances equal to 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section). For each control period in 2010, 2011, and 2018 and thereafter, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of Hg allowances equal to 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section).”

(5) through (9) No change.

10. In lieu of the language at 40 CFR 60.4142(d), substitute:

“If, after completion of the procedures under paragraph (c)(4) of this section for a control period, any unallocated Hg allowances remain in the new unit set-aside for the control period, the permitting authority will allocate to each Hg unit that was allocated Hg allowances under paragraph (b) of this section an amount of Hg allowances equal to the total amount of such remaining unallocated Hg allowances, multiplied by the unit’s allocation under paragraph (b) of this section, divided by 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2012 ~~2010~~ through 2017, or 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2010, 2011, and 2018 and thereafter, and rounded to the nearest whole allowance using such rounding convention that results in allocation of the precise number of allowances remaining in the new unit set-aside.”

(e) through (g) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New_____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialist

RULE NO.: 64B6-7.006
RULE TITLE: Minor Violations; Notices of Noncompliance

NOTICE OF CORRECTION

A Notice of Proposed RuleMaking regarding the above-proposed rule was published in the July 7, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 27, on page 3065. The Date of Notice of Proposed Rule Development Published in FAW was incorrectly stated. The correct date is May 19, 2006. The foregoing change does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 26, of the Florida Administrative Weekly on June 30, 2006, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Susan Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE NO.: 68D-23.101
RULE TITLE: Intent

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly.

In response to written material received prior to the final hearing on the rule, Rule 68D-23.101, F.A.C., will be revised to read as follows:

68D-23.101 Intent.

(1) This Chapter is consistent with and conforms to 33 C.F.R. part 62 – The navigable waters of the United States and non-navigable State waters (which together include all waters of this state), are marked to assist navigation using the United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world’s maritime nations and will improve maritime safety by encouraging conformity with buoyage systems used worldwide.

~~(2)(4)~~ It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

~~(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, F.S., this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and~~

~~(c)(4)~~ To insure that regulatory markers noticing boating restricted areas created pursuant to Sections ~~327.22~~, 327.60 and 370.12, F.S., are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

~~(3)(2)~~ It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), F.S., “vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.” The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

~~(4)(3)~~ The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of Section 327.60(2), F.S.;

(b) Ordinances adopted pursuant to Section 370.12(2)(p)(e), F.S., until such ordinances have been reviewed and approved by the commission, and provided that

such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of Section 327.60(1), F.S.;

(d) Ordinances that discriminate against airboats, unless adopted by a two-thirds vote of the governing body enacting such ordinance, as provided in Section 327.60(1), F.S.

(e) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), F.S., when such vessels are outside the marked boundaries of mooring fields permitted as provided in Section 327.40, F.S., and this rule.

~~(5)(4)~~ Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

~~(6)(5)~~ Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-191.051	Filing, Approval of Subscriber Contract and Related Forms
69O-191.054	Rates

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-203.042	Filing, Approval of Subscriber Contract and Related Forms
69O-203.045	Rates

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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