

email: summer_lillie@apd.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Kohler, RN Specialist, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-9731, email: lori_kohler@apd.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: 1A-33.005
 RULE TITLE: Uses Permitted and Procedures for the Use of the Old Capitol

PURPOSE AND EFFECT: This is a Repeal of Rule 1A-33.005, F.A.C. This Rule is now obsolete because Section 272.135(3), F.S. which gave the Department of State specific authority to promulgate rules for the Old Capitol was repealed. Therefore it is necessary to repeal all of Rule 1A-33.005, F.A.C.

SUMMARY: This is a Repeal of Rule 1A-33.005, F.A.C. This Rule is now obsolete because Section 272.135(3), F.S. which gave the Department of State specific authority to promulgate rules for the Old Capitol was repealed. Therefore it is necessary to repeal all of Rule 1A-33.005, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 272.135(3) FS.

LAW IMPLEMENTED: 272.129(1), 272.135(2) 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: Monday, June 25, 2007, 10:00 a.m. EDT.

PLACE: Suite 100, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Stephen S. Mathues at the address below. 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: Stephen S. Mathues, Assistant General Counsel, Florida Department of State, R. A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399, (850)245-6500

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-33.005 Uses Permitted and Procedures for the Use of the Old Capitol.

Specific Authority 272.135(3) FS. Law Implemented 272.129(1), 272.135(2) FS. History—New 6-13-83, Formerly 1A-33.05, Amended 3-8-87, 2-27-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen S. Mathues, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: JuDee Pettijohn, Deputy Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-6.001	Purpose
5M-6.002	Approved BMPS
5M-6.003	Presumption of Compliance
5M-6.004	Notice of Intent to Implement
5M-6.005	Record Keeping
5M-6.006	Previously Submitted Notices of Intent to Implement

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the geographic extent of this rule statewide and to require nutrient management in Notices of Intent to Implement for growers enrolling in Best Management Practices for Florida Container Nurseries.

SUMMARY: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards. This rule also provides that records maintained by the applicant are preserved and subject to periodic inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. 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: June 28, 2007, 1:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy Conference Room, 1203 Governor's Square Blvd., Suite 200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

BEST MANAGEMENT PRACTICES FOR FLORIDA CONTAINER NURSERIES FLORIDA CONTAINER NURSERY BMP GUIDE

5M-6.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs ~~that which~~ may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 5-31-2006, Amended _____.

5M-6.002 Approved BMPS.

The ~~manual document~~ titled Water Quality/Quantity Best Management Practices for Florida Container Nurseries (Edition 2007) Florida Container Nursery BMP Guide (March 2006) is hereby incorporated and adopted by reference in this rule for participating nursery ~~the container plant~~ growers statewide ~~within the boundaries of the South Florida Water Management District~~. Copies of the document may be obtained from the University of Florida Cooperative Extension Service county office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor's Square Blvd., Suite 200, Tallahassee, FL 32301 (850)617-1700.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 5-31-06, Amended _____.

5M-6.003 Presumption of Compliance.

~~In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices the applicant must:~~

~~(1) Conduct an assessment of the subject properties using the Florida Container Nursery BMP Guide (March 2006) and the Candidate BMP Checklist.~~

~~(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-6.004, F.A.C.~~

~~(3) Implement the non regulatory and incentive based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.~~

Pursuant to Section 403.067(7)(c)3., F.S., implementation of best management practices (BMPs) which have been verified by the Florida Department of Environmental Protection as effective in reducing target pollutants provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those target pollutants addressed by the practices. In order to obtain the presumption of compliance and release from Section 376.307(5), F.S., the applicant must: Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

(1) Conduct a comprehensive assessment of the subject properties, as provided in the manual, to determine which BMPS are applicable;

(2) Submit a Notice of Intent to Implement, as outlined in Rule 5M-6.004, F.A.C., that identifies the BMPs applicable to the subject properties;

(3) Implement all applicable BMPs in accordance with the timeline identified in the Notice of Intent to Implement; and,

(4) Maintain documentation to verify the implementation and maintenance of the identified BMPs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 5-31-06, Amended _____.

5M-6.004 Notice of Intent to Implement.

A Notice of Intent to Implement applicable BMPs best management practices shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

~~(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the nursery(s); the property tax ID number(s); a date for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.~~

~~(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S.~~

(1) Such Notice of Intent shall include:

(a) The practices the applicant will implement, which the applicant shall identify as provided in the manual. The identified practices shall include the nutrient management practices listed in the manual that are applicable to the operation covered by the Notice of Intent. These nutrient management practices shall be initiated as soon as practicable after submittal of the Notice of Intent;

(b) The name of the property owner, the location of the property, and the property tax ID number(s) or other property identification information;

(c) A timeline for implementation of each practice identified;

(d) The gross acreage on which each practice will be implemented;

(e) The name and contact information of an authorized representative; and

(f) The signature of the owner, lease holder, or an authorized agent.

(2) Once filed, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 5-31-06, Amended.

5M-6.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the ~~practices non-regulatory and incentive-based programs~~ identified in the Notice of Intent to Implement. All documentation is subject to ~~FDACS~~ inspection.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 5-31-06, Amended.

5M-6.006 Previously Submitted Notices of Intent to Implement.

Nursery growers who have submitted a Notice of Intent to Implement for the Florida Container Nursery BMP Guide (March 2006), and implement and document the identified BMPs and any additional or revised applicable BMPs under this rule, are deemed to meet the requirements of the rule.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Budell, Director, Office of Agricultural Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.004
 RULE TITLE: Commission Organization and Operations

PURPOSE, EFFECT AND SUMMARY: To provide for alternate Technical Advisory Committee Members to serve in the absence of the primary member.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 553.76(1), 553.77(1)(a) FS.

LAW IMPLEMENTED: 553.74, 553.75 FS.

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

DATE AND TIME: June 26, 2007, 3:30 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Don Shula's Hotel, 6842 Main Street, Miami Lakes, Florida 33314

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: Ila Jones, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.004 Commission Organization and Operations.

(1) No change.

(2) The Chairman presides over all Commission meetings, appoints work groups, Program Oversight Committees, Technical Advisory Committees and Ad Hoc Committees, serves as official spokesman for the Commission, and delegates staff and Committee assignments. The Chairman shall review the membership of Program Oversight and Technical Advisory Committees and reappoint or replace members as needed annually.

(3) through (6) No change.

(7) The Chairman may appoint work groups to study issues and present findings and recommendations to the appropriate Committees.

(8) Non-Commissioner members of Committees and work groups may designate an alternate to participate in meetings and vote in their absence.

~~(9)(7)~~ No change.

(10)(8) The Commission and all of its Committees will utilize Robert’s Rules of Order to make and approve motions except as provided in subsection (11).

(9) through (16) renumbered; (11) through (18) No change.

Specific Authority 553.76(1), 553.77(1)(a) FS. Law Implemented 553.74, 553.75 FS. History–New 5-15-75, Amended 4-18-78, Formerly 9B-3.04, Amended 9-7-00, 11-20-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007 and March 9, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.050
 RULE TITLE: Statewide Amendments to the Florida Building Code

PURPOSE, EFFECT AND SUMMARY: To identify criteria by which the commission evaluates proposed annual amendments to the Florida Building Code and coordinate the annual amendment process with the glitch process added to Chapter 553, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 553.73(3), (6) FS.

LAW IMPLEMENTED: 553.73(3), (6) FS.

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

DATE AND TIME: June 26, 2007, 3:30 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Don Shula’s Hotel, 6842 Main Street, Miami Lakes, Florida 33314

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100. 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: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) The Florida Building Commission may amend the Florida Building Code once each year for the following purposes. The Florida Building Commission may approve technical amendments to the Florida Building Code once each year if it finds that the amendment meets the following criteria:

(a) To incorporate its own interpretations of the code which are embodied in its own opinions and declaratory statements. Has a reasonable and substantial connection with the health, safety and welfare of the general public.

(b) To address emergency issues upon a finding that amendment is necessary to protect the health, safety and welfare of the citizens of Florida. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.

(c) To adopt new editions and addenda of referenced standards. Does not discriminate against materials, products, methods or systems of construction of demonstrated capabilities.

(d) To maintain consistency with federal laws and regulations. Does not degrade the effectiveness of the Florida Building Code. Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate its own interpretations of the code which are embodied in its own opinions and declaratory statements.

(e) To maintain consistency with state laws and rules.

(f) To maintain coordination with the Florida Fire Prevention Code pursuant to Section 553.73(1)(d) and (3), F.S.

(2) through (9) No change.

Specific Authority 553.73(3), (6) FS. Law Implemented 553.73(3), (6) FS. History–New 11-20-01, Amended 6-8-05, 2-28-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community Affairs
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007
DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007 and March 9, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:
9B-7 Florida Building Commission – Handicapped Accessibility Standards

RULE NO.: RULE TITLE:
9B-7.0042 Florida Accessibility Code for Building Construction

PURPOSE, EFFECT AND SUMMARY: The Florida Building Commission’s Advisory Committee has identified the referenced topics as in need of updating or correction. This rule amendment will address those limited issues and update the form adopted for submission of a waiver request, address accessible parking within the Accessibility Code for Building Construction, and make a correction pertaining to ramp width within the Code.

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

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

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

DATE AND TIME: June 26, 2007, 3:30 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Don Shula’s Hotel, 6842 Main Street, Miami Lakes, Florida 33314

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of

Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-7.0042 Florida Accessibility Code for Building Construction.

The 1997 Florida Accessibility Code for Building Construction (the Code) is adopted by reference as the rule of this Commission, effective October 1, 1997. The 2001 and 2004 revisions to the Code are herein incorporated into this rule by reference and shall take effect on the effective date of this rule. Copies of the Code and the 2001-2004 revisions are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Section 11-4.6.4 is amended: Each ~~such accessible~~ parking space must be prominently outlined with blue paint, and must be repainted, ~~when~~ as necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above grade sign of a color and design approved by the Department of Transportation which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears ~~bearing~~ the international symbol of accessibility, ADAAG s. 4.30.7 meeting the requirements of color and design approved by the Department of Transportation, Section 11-4.30.7 and the caption “PARKING BY DISABLED PERMIT ONLY”. Such sign erected after October 1, 1996 must indicate the penalty for illegal use of the space.

Section 11-4.7.3 is amended: Width. The minimum width of a curb ramp shall be 36 inches (915 mm), exclusive of flared side.

~~Exception. Curb ramps that are a part of a required means of egress shall be not less than 44 inches (1118 mm) wide.~~

Specific Authority 553.503 FS. Law Implemented 553.503 FS. History–New 9-14-97, Amended 10-31-99, 1-20-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.070	Product Evaluation and Quality Assurance for State Approval
9B-72.080	Product Validation by Approved Validation Entity for State Approval
9B-72.100	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9B-72.130	Forms

PURPOSE, EFFECT AND SUMMARY: To review the rule in light of legislative change, experience with the system, and the efforts of the Product Approval Validation Workgroup.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 553.842(1), (5)-(7), (14) FS.
LAW IMPLEMENTED: 553.842(1), (5)-(7), (8), (14) FS.
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 26, 2007, 3:30 p.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda
PLACE: Don Shula’s Hotel, 6842 Main Street, Miami Lakes, Florida 33314

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

- 9B-72.010 Definitions.
 - (1) through (30) No change.
 - (31) Subcategory of product or construction system means a specific functionality:
 - (a) through (d) No change.
 - (e) For shutters: accordion, Bahama, storm panels, fabric storm panel, colonial, roll-up, pre-engineered equipment, protection, and products introduced as a result of new technology;
 - (f) through (g) No change.
 - (32) through (35) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History–New 5-5-02, Amended 9-4-03, 11-22-06,_____.

9B-72.070 Product Evaluation and Quality Assurance for State Approval.

- (1)(a) through (f) No change.
- (g) Products required to demonstrate compliance using referenced testing standard(s) and also requiring rational analysis that falls outside the scope of the agency certificate designating product certification, must demonstrate compliance using an evaluation report from an approved evaluation entity.

- (2) through (3) No change.
- (4)(a) through (d) No change.
- (e) Installation requirements. Installation instructions including attachments shall be developed by an evaluation entity, test lab or by the manufacturer’s licensed design professional. Exception: Installation instructions for windows including attachment, at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer’s anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances;
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable;
3. Spacing of anchors, shims, accessory items and straps; and
4. Illustrated diagrams of the attachment of the product structure.

- (f) through (h) No change.
- (5)(a) through (d) No change.
- (e) Installation requirements. Exception: Installation instructions for windows including attachment at minimum shall include the following:

1. Type, and grade of anchor, and/or manufacturer’s anchor specifications, including minimum nominal size, minimum penetration into substrate and minimum edge distances;
2. Type, physical dimensions, material and grade of any accessory item or strap, if applicable;

3. Spacing of anchors, shims, accessory items and straps; and

4. Illustrated diagrams of the attachment of the product structure.

(f) No change.

(6) through (7) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06,_____.

9B-72.080 Product Validation by Approved Validation Entity for State Approval.

(1) Administrative Validation: Validation of compliance with the Code using a certification mark or listing from an approved certification agency, an evaluation report from an approved product evaluation entity, and an evaluation report from a Florida Registered Architect or licensed Florida Professional Engineer shall be performed by an approved validation entities through the following steps:

(a)(1) Verification that the certification, testing, evaluation and quality assurance requirements established by Rule 9B-72.070, F.A.C., are met and that all documentation is in order.

(b)(2) Validation of the method of compliance using the validation checklist in subsection 9B-72.130(3), F.A.C. Signed and sealed hard copy of the Validation Checklist must be provided to the Program System Administrator when the validation entity is a Florida Registered Architect or licensed Professional Engineer.

(c)(3) Certification to the Commission that the documentation submitted for the product indicates the product complies with the Code.

(d)(4) Products listed by approved certification agencies as complying with standards, that do not include rational analysis, established by the Code shall be approved by the Commission upon validation using Administrative Validation ~~absent compliance with this section.~~

(2) Technical Validation.

(a) Technical Validation of an Evaluation Report: Validation of compliance with the Code using an evaluation report from an approved evaluation entity that is not an independent third-party from the manufacturer shall be performed by an approved validation entity using the validation steps of the Administrative Validation and the following steps:

1. Determination that the evaluator has complied with acceptable standards of engineering principles.

2. Engineering verification that the evaluation complies with the Code.

3. Copy of the application complying with all aspects of Chapter 61G15-36, F.A.C., must be filed with the Commission.

(b) Technical Validation of a Test Report: Validation of compliance with the Code using a test report from an approved test lab shall be performed by an approved validation entity using the validation steps of the Administrative Validation and the following steps:

1. Verify that the reported data demonstrates compliance with the Florida Building Code, and

2. Verify that the correct test was performed.

(c) Technical Validation of a Installation Instructions including attachments: Installation instructions including attachments developed by an entity that is not an independent third-party from the manufacturer shall be performed by an approved validation entity using the validation steps 1 through 3 of item 2(a) above.

Exception: Technical validation is not required if the installation instruction including attachments are verified by the product certification agency or the product evaluation entity.

(3) Approved Validation entities must retain all documentation of the product applications (test reports, calculations, samples, etc.) as required by Florida statutes or as long as the products are approved, based on their validation, whichever is longer.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 11-22-06,_____.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) No change.

(2) Approved Validation Entities.

(a) An entity shall be approved by the Commission as a validation entity if it is a Commission approved evaluation entity, ~~testing laboratory~~ or certification agency, and it certifies to the Commission compliance with standards established by the Code or intent of the Code. Architects and engineers licensed in this State are also approved to conduct validation for the state approval. Testing Laboratories are not allowed to conduct validations. Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.

(b) through (c) No change.

(3) through (6) No change.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06,_____.

9B-72.130 Forms.

(1) through (2) No change.

(3) Validation Checklist for State Approval, Form No. 9B-72.130(3), updated January 15, 2007 ~~September 4, 2003~~ (electronic version).

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007 and March 9, 2007

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-2.017	Definitions
18-2.018	Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
18-2.021	Land Management Planning and Land Use Evaluation Procedures of the Acquisition and Restoration Council

PURPOSE AND EFFECT: To provide a procedure and requirements for land managers to use to prepare land management plans and for the Acquisition and Restoration Council to use to review such plans; and to update the name of the Council and update statutory references.

SUMMARY: This rule amendment provides procedures and requirements for preparing and reviewing management plans; updates the name of the Council; and updates statutory references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 253.034(1), 259.035(1)(f) FS.

LAW IMPLEMENTED: 253.034, 259.032, 259.035 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: June 29, 2007, 1:00 p.m. EDT

PLACE: Department of Environmental Protection, Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Greg Brock, D.E.P., Office of Environmental Services, Division of State Lands, 3900 Commonwealth Blvd., MS 140, Tallahassee FL 32399-3000, (850)245-2784, greg.brock@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Greg Brock, above

THE FULL TEXT OF THE PROPOSED RULES IS:

18-2.017 Definitions.

When used in this rule chapter, the following shall ~~mean~~ ~~have the indicated meaning unless the context clearly indicates otherwise:~~

(1) through (10) No change.

~~(11) "C.A.R.L." means conservation and Recreation Lands, as specified in Section 259.032, F.S.~~

(11) "Conservation lands" means lands titled in the name of the board that are currently managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation. All lands acquired by the state prior to July 1, 1999, using proceeds from a land acquisition program to protect natural, cultural or resource-based recreational resources, which lands are within original project boundaries or identified as core parcels, shall be deemed to have been acquired for conservation purposes. For any lands purchased by the state on or after July 1, 1999, a determination has been or shall be made by the board prior to acquisition as to those parcels that shall be designated as having been acquired for conservation purposes. Lands associated with correction and detention facilities, military installations and state university system that possess significant natural or historical resources and that are specifically managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation also shall be deemed to be conservation lands.

(12) through (16) No change.

(17) "Council" means the Acquisition and Restoration Land Management Advisory Council as defined in pursuant to Section 259.035 ~~253.022~~, F.S.

(18) through (22) No change.

(23) “E.E.L.” means Environmentally Endangered Lands, as specified in Chapter 259, F.S.

(24) through (28) renumbered (23) through (27) No change.

(28) “Land acquisition program” means a state program established to acquire land or interests therein for a particular purpose; for example to protect natural, cultural or resource-based recreational resources, such as: Conservation and Recreation Lands, as specified in Section 259.032, F.S.; Environmentally Endangered Lands as established under the Land Conservation Act of 1972; Florida Forever, as specified in Section 259.105, F.S.; Florida Preservation 2000, as specified in Section 259.101, F.S.; Land Acquisition Trust Fund, as specified in Ch. 375, F.S.; Land and Water Conservation Fund as established under the federal Land and Water Conservation Act of 1965; Outdoor Recreation Lands as established under the Outdoor Recreation and Conservation Act of 1963; or Save Our Coast as established by the Governor and Cabinet by official agency action on November 3, 1981.

(29) “L.A.T.F.” means the Land Acquisition Trust Fund as specified in Chapter 375, F.S.

(30) through (32) renumbered (29) through (31) No change.

(33) “L.W.C.F.” means the Land and Water Conservation Fund established under the federal Land and Water Conservation Act of 1965.

(34) through (39) renumbered (32) through (37) No change.

(38) “Nonconservation lands” means lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation; such as: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, state university or state community college campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources, and lands that were acquired solely to facilitate the acquisition of other conservation lands as identified by the board when it approved the acquisition.

(40) through (54) renumbered (39) through (53) No change.

(55) “S.O.C.” means Save Our Coast, as specified in Chapter 375, F.S.

(56) through (58) renumbered (54) through (56) No change.

(57)(59) “State Lands Management Plan” means the Conceptual State Lands Management Plan adopted by the Board on March 17, 1981 and as amended by the Board on July 7, 1981 and March 15, 1983 any subsequent revisions which shall be approved by the Trustees.

(60) through (65) renumbered (58) through (63) No change.

Specific Authority 253.03, 259.035 FS. Law Implemented 253.03, 253.034, 259.035, 259.101, 259.105 FS. History–New 6-4-96, Amended _____.

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

- (1) through (2) No change.
- (3) Standards and Criteria.

The following standards and criteria must be met for approval of the following described authorizations to use state-owned uplands.

(a) Leases and Subleases.

1. through 4. No change.

5. Lessees and sublessees shall be responsible for preparing either a management plan or an operational report as follows:

a. No change.

b. All other lessees except agriculture, grazing and oil and gas lessees shall prepare a site-specific operational report which shall be prepared and submitted to the division by lessee within a year of lease execution or other dates as designated in the lease. The operational report shall include the following:

I. through III. No change.

IV. The land acquisition program (e.g., C.A.R.L., E.E.L., L.A.T.F.), if any, under which the property was acquired;

V. through XIII. No change.

c. through d. No change.

6. Additional specific criteria for subleases are as follows:

a. No change.

b. Subleases of conservation lands which are 160 acres or greater in size shall be reviewed by the Council.

7. through 8. No change.

(b) through (f) No change.

Specific Authority 253.03(7)(a) FS. Law Implemented 253.001, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-44, 253.47, 253.51-.61, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History–New 6-4-96, Amended 4-17-02, _____.

18-2.021 Land Management Planning and Land Use Evaluation Procedures of the Acquisition and Restoration Advisory Council.

(1) The Council shall hold periodic meetings at the request of the chair. The meetings shall be recorded electronically and such records shall be preserved pursuant to Chapters 119 and 267, F.S. Land Management Advisory Council Composition and Procedures.

(a) The council shall be composed of the following persons or their designees:

1. The Commissioner of the Department of Agriculture and Consumer Services;

2. ~~The Secretary of State;~~
3. ~~The Executive Director of the Game and Fresh Water Fish Commission;~~
4. ~~The Secretary of the Department of Environmental Regulation;~~
5. ~~The Secretary of the Department of Corrections;~~
6. ~~The Commissioner of the Department of Education;~~
7. ~~The Secretary of the Department of Community Affairs;~~
8. ~~One individual chosen by the Secretary of the Department of Environmental Protection.~~

(b) ~~The Chairmanship of the council shall rotate annually on October 1 of each year in the order listed above as set forth in Section 253.034, F.S.~~

(c) ~~The committee shall hold periodic meetings at the request of the chairman. The meetings shall be recorded electronically and such records shall be preserved pursuant to Chapters 119 and 267, F.S.~~

(2) ~~Land Management Advisory Council Responsibilities and Procedures.~~

(a) No change.

(b) The procedures of the council shall include:

1. through 2. No change.

3. A recommendation by the Council to the Board on management plans; and subleases shall be by majority vote of those present, while a recommendation to the Board to and surplus conservation lands, including land exchanges, designations by the council shall be by the concurrence of at least six (6) four (4) members.

4. No change.

(3) No change.

(4) Management Plans. Plans submitted to the ~~D~~ivision for ~~C~~ouncil review under the requirements of Sections 253.034 and 259.032, F.S., shall should contain, where applicable to the management of resources, the following:

(a) through (d) No change.

(e) The land acquisition program (~~e.g., C. A. R. L., E. E. L., Save Our Coast~~), if any, under which the property was acquired.

(f) The designated single use or multiple use management for the property, including other managing agencies and private land managers, if any, that could facilitate the restoration or management of the land.

(g) through (h) No change.

(i) The location and description of known and reasonably identifiable renewable and non-renewable resources of the property including, but not limited to, the following:

1. through 2. No change.

3. Water resources including the water quality classification for each water body and the identification of any such water body that is designated as an Outstanding Florida Water under Rule 62-302.700, F.A.C. waters;

4. through 10. No change.

(j) A description of actions the agency plans; to take to locate and identify unknown resources such as surveys of unknown archaeological and historical resources.

(k) through (m) No change.

(n) For managed areas larger than 1,000 acres, an analysis of the multiple-use potential of the property. Such analysis shall include: A description of alternative or multiple uses of the property considered by the managing agency and an explanation of why such uses were not adopted.

1. The potential of the property to generate revenues to enhance the management of the property provided that no lease, easement, or license for such revenue-generating use shall be entered into if the granting of such lease, easement, or license would adversely affect the tax exemption of the interest on any revenue bonds issued to fund the acquisition of the affected lands from gross income for federal income tax purposes, pursuant to Internal Revenue Service regulations; and

2. If the lead management agency determines that timber resource management is not in conflict with the primary management objectives of the managed area, a component or section, prepared by a qualified professional forester, that assesses the feasibility of managing timber resources pursuant to Section 253.036, F.S.

(o) A detailed assessment of the impact of planned uses on the renewable and non-renewable resources of the property, including soil and water resources, and a detailed description of the specific actions that will be taken to protect, enhance and conserve these resources and to mitigate damage caused by such uses, including a description of how the manager plans to control and prevent soil erosion and soil or water contamination.

(p) A description of management needs and problems for the property, including:

1. Key management activities necessary to conserve and protect natural, historical and archaeological resources; to restore habitat; to control the spread of nonnative plants and animals; and to implement prescribed fire management; and other resource management activities that would enhance the natural, historical and archaeological resource values or public recreation value for which the lands were acquired;

2. A priority schedule for conducting key management activities and the other management activities, as identified in subparagraph 1., above; and

3. A cost estimate for conducting key management activities and the other management activities as identified in subparagraph 1., above, including recommendations for cost-effective methods of accomplishing those activities.

(q) through (r) No change.

(s) A finding regarding whether each planned use complies with the State Lands Management Plan ~~adopted by the Trustees on March 17, 1981, and incorporated herein by reference,~~ particularly whether such uses represent "balanced

public utilization”, specific agency statutory authority, and other legislative or executive constraints. A copy of the Plan may be obtained electronically at www.dep.state.fl.us/lands/oes/SLMP.pdf, or by writing to the State of Florida Department of Environmental Protection, Division of State Lands, Office of Environmental Services ~~Bureau of Land Management Services~~, 3900 Commonwealth Boulevard, Mail Station 140 430, Tallahassee, Florida 32399-3000, or by calling (850)245-2784.

(t) through (u) No change.

(v) A description of the management responsibilities of each agency and how such responsibilities will be coordinated, including a provision that requires that the managing agency consult with the Division of Historical Resources, Department of State Archives, History and Records Management before taking actions that may adversely affect archaeological or historic resources.

(w) A statement concerning the extent of public involvement and local government participation in the development of the plan, if any, including a summary of comments and concerns expressed by the advisory group, if required by Section 259.032, F.S., and the management review team, if required by Section 259.036, F.S.

(5) Policies, Standards, and Criteria. The following management policies, standards, and criteria will be used by the Council to determine whether to recommend approval, approval with conditions or modifications, or to reject any agency management plan, sublease or surplus land determination.

(a) through (b) No change.

(c) The policies, standards, and criteria that are enumerated in the “State Lands Management Plan”, ~~adopted March 17, 1981, by the Board~~. A copy of the Plan may be obtained electronically at www.dep.state.fl.us/lands/oes/SLMP.pdf, or by writing to the State of Florida Department of Environmental Protection, Division of State Lands, Office of Environmental Services ~~Bureau of Land Management Services~~, 3900 Commonwealth Boulevard, Mail Station 140 430, Tallahassee, Florida 32399-3000, or by calling (850)245-2784.

(6) Sublease Reviews.

(a) Pursuant to Section 253.034, F.S. an agency managing or leasing conservation ~~State-owned~~ lands greater than 160 acres in size from the Board shall not sublease lands without prior review by the Division and the Council and subsequent approval by the Board. ~~Subleases for areas greater than 160 acres in size shall be reviewed by the council prior to submittal to the Board.~~

(b) No change.

(c) Subleases submitted to the Division for review shall include the following:

1. Twelve ~~Eight~~ copies of all material submitted.
2. through 6. No change.

(7) Surplus Land Determination.

(a) The Council for conservation lands, or the Division for nonconservation lands, shall review all state ~~owned~~ lands which are not actively managed by any state agency, for which a land management plan has not been completed, or are recommended for disposal by any state agency, and recommend to the Board if such lands should be disposed of.

(b) No change.

(c) If a determination is made that a parcel of state land should be disposed of by the Board, the Council for conservation lands, or the Division for nonconservation lands, shall consider and make recommendations of the following:

1. through 2. No change.

3. For conservation lands, whether the property is no longer needed for conservation purposes.

(d) For conservation lands the Council shall determine whether the request for surpassing is compatible with the resource values of and management objectives for such lands.

(e) When surplus conservation lands as part of a land exchange, the Council also shall evaluate the lands being offered for exchange to determine if they are of equal or greater conservation benefit than the state lands and whether the exchange would result in a net-positive conservation benefit, regardless of appraised value.

Specific Authority 253.03 FS. Law Implemented 253.022, 253.034, FS. History–New 6-4-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Brock, above

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NO.:

RULE TITLE:

18-24.005

Full Review of Project Proposals

PURPOSE AND EFFECT: To provide a procedure and requirements for the Acquisition and Restoration Council to use to amend boundaries of Florida Forever land acquisition projects. The Council has been using and modifying such procedures for several years, and its policy and procedure are now developed to the point that rules can be proposed.

SUMMARY: This rule amendment will create a uniform procedure for all sellers of land and for the Council to follow when boundary amendments are desired.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 259.035(1)(f) FS.

LAW IMPLEMENTED: 259.035 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: June 29, 2007, 1:00 p.m. EDT

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Greg Brock, D.E.P., 3900 Commonwealth Blvd., Mail Station 140, Tallahassee, FL 32399-3000, (850)245-2784, greg.brock@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Brock at the address or phone above

THE FULL TEXT OF THE PROPOSED RULE IS:

18-24.005 Full Review of Project Proposals.

(1) through (4) No change.

(5) By majority vote, the Council ~~will~~ ~~may~~ direct staff to prepare, revise, or update a project boundary for a project already on the approved list. Landowners who wish to have their property removed from an approved project boundary shall submit by certified mail a letter identifying such property to be removed to the following address: Florida Forever Program, Office of Environmental Services, Mail Station 140, State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000. All other proposals to amend the boundary for a project already on the approved list will be considered by the Council, at its next regularly scheduled meeting, if the following conditions are met: Modifications to the project boundary must be justified in writing and include an assessment of the resources.

(a) Each proposed modification to the project boundary must include an assessment of the proposed modification. The assessment for proposals to add property to an existing project boundary shall include the following:

1. A complete application that includes all items of information as required in subsection 18-24.003(3), F.A.C., and this section; and

2. If fee simple acquisition is proposed, a letter from the proposed managing agency indicating the agency's willingness to manage the property and describing the proposed addition's relative importance to management of the existing project or to the protection of its significant resources; or

3. If less-than-fee acquisition is proposed, a brief description of any known activities or property rights proposed to be acquired by the state and those proposed to be retained by the landowner.

(b) The Council shall consider a proposed boundary addition only if the applicant provides a complete application as required in paragraph (a), and only if one or more of the following criteria is met:

1. The county property appraiser's tax valuation for all parcels of the proposed addition total less than \$5 million;

2. The proposed addition meets the criteria for emergency acquisitions pursuant to Section 253.027 or Section 259.041(15), F.S.;

3. The acreage of proposed addition is less than 10% of the size of the existing project boundary, including areas previously acquired, and is less than 1,000 acres;

4. The property was previously on an acquisition list developed under Chapter 259, F.S.;

5. The property was previously managed by a state agency; or

6. The Council chair receives written requests to consider a proposed boundary modification from two or more Council members.

(c) Each application to add property to an existing project boundary shall, within 30 days of receipt, be reviewed by staff to verify sufficiency of information in accordance with this subsection. Applicants who submit incomplete applications shall be notified of each deficiency, and shall have 30 days from the date of the deficiency letter within which to submit the missing information. If the missing information is not received by the deadline, the boundary amendment application will be denied and returned to the applicant.

(d) Proposals not meeting at least one of the criteria in paragraph (b) shall not be considered by the Council as a boundary modification, but may be submitted by the applicant as a Florida Forever project proposal pursuant to Rule 18-24.003, F.A.C.

(e) For a proposed boundary modification that exceeds 5,000 acres in size, staff shall prepare an amended project evaluation report in accordance with the provisions of subsection 18-24.005(2), F.A.C., unless the Council chair receives from four or more Council members written requests to consider a proposed boundary modification without a site visit by staff.

(f) An affirmative vote of at least five Council members shall be required to add property to an existing project, while a majority vote of members present shall be required to remove property from an existing project.

(g) Parcels of land qualifying as de minimis lands, as defined in paragraph 18-24.001(2)(f), F.A.C., shall be exempt from the provisions of this section.

Specific Authority 259.035(1), 259.035(4), 259.105(9), 259.105(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New 7-17-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Brock

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.003
RULE TITLE: Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include the offense of not reporting for duty when instructed to do so in time of emergency or potential emergency and impose a range of penalties to include written reprimand, up to 30 days of suspension or dismissal and correct the range of penalties for the second and third occurrences for offenses 1 through 11.

SUMMARY: Amends the rule to include the offense of not reporting for duty when instructed to do so in time of emergency or potential emergency and impose a range of penalties to include written reprimand, up to 30 days of suspension or dismissal and corrects the range of penalties for the second and third occurrences for offenses 1 through 11.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Career Service Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee’s circuit administrator, warden or Personnel Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand	Written Reprimand or up to <u>30 days Suspension</u>	Up to 30 days Suspension	Dismissal

	10 days Suspension	or Dismissal	<u>or</u> <u>Dismissal</u>	
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(7) Absence Without Authorized Leave	Same	Same	Same	Same
(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(13) Negligence	Same	Same		
(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this

state to recognize alcoholism as a disease. The Career Service Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment or Property	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same
<u>(36) Failure to report for duty when instructed to do so in time of emergency or potential emergency</u>	<u>Same</u>	<u>Same</u>

Specific Authority ~~20.315~~, 944.09, ~~945.21~~ FS. Law Implemented 944.09, 944.14, ~~944.34~~, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, ~~945.14~~, ~~945.15~~, ~~945.21~~ FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ralph Kiessig, Deputy Director of Administration
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 21, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-11.007
RULE TITLE: Documents Issued
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning deputy pilot training.
SUMMARY: Language to clarify deputy pilot training will be added to the rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 310.185 FS., Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 310.071(3) FS., Chapter 94-119, Laws of Florida.

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 Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-11.007 Documents Issued.

(1) Each State Pilot shall be issued a license. Each deputy pilot shall be issued a certificate. All licenses and certificates are valid for not more than two years and must be renewed by January 31 of each odd numbered year; provided, that the initial certificate issued to a deputy pilot shall be valid for a

period of twelve months and at the end of this period it shall automatically expire and not be replaced by the Department until:

(a) The pilots with whom the deputy pilot has been training ~~have~~ thoroughly evaluated all aspects of his/her performance and make a recommendation to the Board regarding whether or not the deputy pilot should continue in the approved training program, if they find him satisfactory in all respects to continue on in the approved training program, so recommend to the Board; and

(b) The Board, after careful consideration of the recommendation of the pilots with whom the deputy pilot has been training ~~trained~~, has recommends to the Department that another certificate be issued to the dDeputy pilot to allow him/her to continue training. This recommendation shall not be made before the dDeputy pilot has completed at least six months of the approved training program ~~plan~~ and shall be made so as to be received and considered by the Board prior to the expiration of the twelve month period or at the first regularly scheduled Board meeting thereafter.

(2) Upon receipt of a positive ~~this~~ recommendation for the deputy pilot to continue in the approved training program from the Board, the Department shall issue to the dDeputy pilot so recommended a certificate to replace the 12 month certificate which shall ~~will~~ expire on January 31 of the next odd numbered year. The certificate may be renewed only two (2) times. Each renewal certificate shall be valid for one (1) biennium.

Specific Authority 310.185 FS., Chapter 94-119, Laws of Florida. Law Implemented 310.071(3) FS., Chapter 94-119, Laws of Florida. History—New 2-25-91, Formerly 21SS-6.007, 21SS-11.007, Amended 9-27-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.0051
RULE TITLE: Disclosure of Licensure Status
PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed rule sets forth the criteria for appropriate disclosure of an anesthesia assistant’s licensure status to patients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 456.072(1)(t), 458.3475 FS.

LAW IMPLEMENTED: 456.072(1)(t) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-31.0051 Disclosure of Licensure Status.

All persons licensed pursuant to Section 458.3475, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as an anesthesiologist assistant (A.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as an anesthesiologist assistant (A.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is an anesthesiologist assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as an anesthesiologist assistant (A.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as an anesthesiologist assistant (A.A.).

Specific Authority 458.3475, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.013 RULE TITLE: Disclosure of Licensure Status

PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate disclosure of licensure status to patients.

SUMMARY: The proposed new rule sets forth the criteria for appropriate disclosure of an anesthesia assistant’s licensure status to patients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 456.072(1)(t), 459.023 FS.

LAW IMPLEMENTED: 456.072(1)(t) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.013 Disclosure of Licensure Status.

All persons licensed pursuant to Section 459.023, Florida Statutes, and not exempt pursuant to Section 456.072(1)(t), Florida Statutes, shall identify the license under which he or she practices in one of the following manners:

(1) The wearing of a name tag which identifies the licensee as an anesthesiologist assistant (A.A.);

(2) The wearing of an article of clothing on the upper body which identifies the licensee as an anesthesiologist assistant (A.A.);

(3) By orally disclosing to the patient, upon the licensee’s initial in-person contact with the patient, that the licensee is an anesthesiologist assistant;

(4) By providing, upon the licensee’s initial in-person contact with the patient, a business card or similar document which identifies the licensee as an anesthesiologist assistant (A.A.);

(5) By placing notification in the lobby or waiting area of the location where the licensee practices, which contains a photo of the licensee and which identifies the licensee as an anesthesiologist assistant (A.A.).

Specific Authority 459.023, 456.072(1)(t) FS. Law Implemented 456.072(1)(t) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

<p>RULE NOS.:</p> <p>64E-5.101</p> <p>64E-5.204</p> <p>64E-5.210</p> <p>64E-5.502</p> <p>64E-5.504</p> <p>64E-5.506</p> <p>64E-5.511</p> <p>64E-5.1003</p> <p>64E-5.1508</p>	<p>RULE TITLES:</p> <p>Definitions</p> <p>Types of Licenses</p> <p>Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices Which Contain Radioactive Material</p> <p>General Requirements</p> <p>Fluoroscopic X-Ray Systems</p> <p>Intraoral Dental Radiographic Systems</p> <p>Registration of Radiation Machines</p> <p>Monitoring Fees</p> <p>Inspection of Low-Level Radioactive Waste Shipments</p>
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PURPOSE AND EFFECT: The purpose of this proposed rule making is to update department rules regarding the use of x-rays in the healing arts; to establish provisions for the use of hand-held dental x-ray units; to correct the numbering of Rule 64E-5.210, F.A.C.; and to update fees for environmental monitoring, inspections of low-level radioactive waste transportation shipments, and radioactive materials licenses. The effect will be to allow for the use of hand-held dental x-ray units; to clarify the requirements of x-ray use in the healing arts; and to cover the department’s operational costs.

SUMMARY: This rulemaking will update department rules regarding the use of x-rays in the healing arts; establish provisions for the use of hand-held dental x-ray units; correct numbering, and update fees for environmental monitoring, inspections of low-level radioactive waste transportation shipments, and radioactive materials licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

SPECIFIC AUTHORITY: 404.022, 404.051, 404.056, 404.081, 404.131, 404.141, 404.22 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.056, 404.061, 404.081, 404.131, 404.141, 404.22, 404.051(1), (4), (5), (6), (8), (9), (10), (11), 404.061(2), (3), 404.071(1), 404.081(1), 404.22(1),(2),(3) 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: June 25, 2007, 1:30 p.m. – 3:00 p.m.

PLACE: Capital Circle Office Complex, Building 4042, Room 240P, 4042 Bald Cypress Way, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michael Stephens, Environmental Health Program Consultant, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266 or (850)245-4444, ext. 4043. 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: Michael Stephens, Environmental Health Program Consultant, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266 or (850)245-4444, ext. 4043; email: mike_Stephens@doh.state.fl.us

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE DEPARTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I
GENERAL PROVISIONS

64E-5.101 Definitions.

As used in these rules, these terms have the definitions set forth below. Additional definitions used only in a certain part are defined in that respective part.

(1) through (22) No change.

(23) “Cabinet x-ray system or Cabinet x-ray” means an x-ray system with the x-ray tube installed in an enclosure independent of existing architectural structures. A cabinet x-ray system is intended to contain the material being irradiated, and exclude personnel from its interior during generation of radiation. To be certified as a cabinet x-ray, the cabinet must be shielded so that every location on the exterior meets the conditions of 0.5 mRem (0.005 millisievert) in any one hour, at a distance of 5 cm. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system. ~~means an x-ray system with the x-ray tube installed in an enclosure or cabinet that, independently of existing architectural structures except the floor on which it is placed, is intended to contain at least the portion of the material being irradiated, to provide radiation attenuation, and to exclude persons from its interior during generation of x-radiation. An x-ray tube used within a shielded part of a building or x-ray equipment that temporarily or occasionally incorporates portable shielding is not considered a cabinet x-ray system.~~

(24) through (191) No change.

(192) “Mobile C-arm” means a mobile fluoroscopic machine that is designed for and used without a patient support device such as a radiographic table, cradle or radiolucent stretcher. This would include machines moved from room to room to assist in surgical procedures. Measurements of patient entrance exposure for this type of system will be measured in accordance with subparagraphs 64E-5.504(3)(e)2., 3., and 4.

(193) “C-arm system” means a fluoroscopic C-arm routinely used with the same patient support device which will have interlocks, detents or positioning marks to allow reproducible geometry. Measurements of patient entrance exposure for this type of system will be measured in accordance with subparagraphs 64E-5.504(3)(e)2., 3., and 5.

Specific Authority 404.042, 404.051, 404.061 FS. Law Implemented 404.031, 404.051, 404.061(2), 404.20, 404.22 FS. History—New 7-17-85, Amended 4-4-89, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.102, Amended 5-18-98, 10-8-00, 8-6-01, 9-11-01, 12-18-01, 9-28-06,_____.

PART II
LICENSING OF RADIOACTIVE MATERIALS
SUBPART A
LICENSE TYPES AND FEES

64E-5.204 Types of Licenses.

Licenses for radioactive materials are of two types: general and specific.

(1) Some general licenses provided in this part may be effective without the filing of applications with the Department or the issuance of licensing documents to the particular persons, although the filing of a certificate with the Department for general licenses pursuant to subsections 64E-5.206(7) or (8), F.A.C., shall be required of the particular general licensee prior to the receipt of radioactive material and the Department requires registration of certain general licenses described in subsection 64E-5.206(4), F.A.C. The payment of a fee is also required by all persons possessing general licensed material described in paragraph (1)(c), below. The general licensee is subject to all other applicable portions of these regulations and any limitations of the general license.

(a) The annual registration fee set forth in this section for general licenses shall be payable every July 1, for as long as the license remains in effect.

(b) The annual fee for a general license set forth in Rule 64E-5.216, F.A.C., under reciprocal agreement shall be paid before the first entrance into the State and on each anniversary date thereafter, if applicable. Manufacturers, manufacturer's representatives, distributors, and waste treatment, storage or disposal companies servicing Florida radioactive materials license applicants or licensees are not exempt from this fee.

(c) Payment of the indicated annual fee pursuant to paragraph (1)(a), above, is required for the following types of devices held or activities performed under a general license:

1. Static elimination devices as described in paragraph 64E-5.206(1)(a), F.A.C., \$30.00 ~~\$25.00~~ per unit.
2. Measuring, gauging, and control devices as described in subsection 64E-5.206(4), F.A.C., \$30.00 ~~\$25.00~~ per unit.
3. *In Vivo* testing as described in subsection 64E-5.206(7), F.A.C., \$150.00 ~~\$125.00~~ per license.
4. *In Vitro* testing as described in subsection 64E-5.206(8), F.A.C., \$150.00 ~~\$125.00~~ per license.
5. Depleted uranium as described in subsection 64E-5.205(4), F.A.C., \$150.00 ~~\$125.00~~ per license.

(d) No change.

(2) Specific licenses require the submission of an application to the department and the issuance of a licensing document by the department. The licensee is subject to all applicable portions of these regulations as well as any limitations specified in the licensing document. The licensee is subject to the payment of fees as authorized under Section 404.131, Florida Statutes and as outlined below:

(a) through (d) No change.

(e) Below is the schedule of fees for specific radioactive materials licenses:

	Application Fee	Annual Fee
1. Source Material:-		
a. Licenses for concentration of uranium from phosphate ores for the production of uranium as “yellow cake” or powdered solid;	\$8,288 \$6,907	\$14,330 \$11,942
b. Licenses for concentration of uranium from phosphate ores for the production of “green cake” or equivalent, moist or solid;	\$4,522 \$3,768	\$8,927 \$7,439
c. All other specific source material licenses excluding depleted uranium used as shielding and counterweights.	\$653 \$544	\$275 \$229
2. Special Nuclear Material (SNM):-		
a. Licenses for use of SNM in sealed sources contained in devices used in measuring systems;	\$784 \$653	\$622 \$518
b. Licenses for use of SNM not sufficient to form a critical mass, except as in 2.a., above, and 2.c. and 5.e., below;	\$1,608 \$1,340	\$2,333 \$1,944
c. Licenses for use of SNM to be used as calibration and reference sources.	\$246 \$205	\$131 \$109
3. Byproduct, naturally occurring or accelerator produced material:-		
a. Licenses for processing or manufacturing for commercial distribution or industrial uses;	\$3,508 \$2,923	\$3,362 \$2,802
b. Licenses for processing or manufacturing and distribution of radiopharmaceuticals. This category includes radiopharmacies;	\$3,072 \$2,560	\$4,608 \$3,840
c. Licenses for industrial radiography performed only in an approved shielded radiography installation;	\$1,870 \$1,558	\$2,593 \$2,161
d. Licenses for industrial radiography performed only at the address indicated in the license, or at temporary job sites of the licensee;	\$1,972 \$1,643	\$3,188 \$2,657
e. Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials where the source is not removed from the shield and is less than 10,000 curies;	\$726 \$605	\$726 \$605
f.(I) Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is not removed from the shield and is greater than 10,000 curies and less than 100,000 curies, or where the source is less than 100,000 curies and is removed from the shield;	\$1,697 \$1,414	\$1,956 \$1,630
(II) Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is equal to or greater than 100,000 curies and less than 1,000,000 curies;	\$4,391 \$3,659	\$4,753 \$3,961
(III) Licenses for possession and use of radioactive materials in sealed sources for irradiation of materials when the source is <u>equal to or greater than 1,000,000 curies.</u>	\$11,736 \$9,780	\$5,278 \$4,398
g. Licenses issued to distribute items containing radioactive materials to persons under a general license;	\$1,972 \$1,643	\$2,580 \$2,150
h. Fixed gauging devices; Licenses issued to distribute exempt quantities or items containing naturally occurring or accelerator produced material to persons exempt from licensing;	\$726 \$1,643	\$1,159 \$2,150
i. Well logging:		
(I) Sealed sources or sub-surface tracer studies;	\$1,362 \$1,135	\$1,798 \$1,498
(II) Sub-surface tracer studies and sealed sources;	\$1,723 \$1,436	\$1,913 \$1,594
j. Nuclear laundry;	\$3,840 \$3,200	\$6,781 \$5,651
k. Industrial or medical research and development;	\$1,421 \$1,184	\$1,769 \$1,474
l(I) Fixed and Portable gauging devices;	\$726 \$605	\$1,159 \$966
(II) <i>In Vitro</i> and clinical laboratory;	\$870 \$725	\$1,102
(III) Academic;	\$1,174 \$978	\$1,405
(IV) Possession of uranium or thorium, or their decay products as a result of mining or processing;	\$1,174 \$978	\$1,044 \$870

(V) All other specific licenses except as otherwise noted;	\$870 \$725	\$1,202 \$1,002
m. Licenses of broad scope;		
(I) Academic;	\$3,840 \$3,200	\$8,815 \$7,346
(II) Medical;	\$3,840 \$3,200	\$6,569 \$5,474
(III) Industrial or Research and Development;	\$3,840 \$3,200	\$5,482 \$4,568
n. Gas chromatography devices;	\$521 \$434	\$377 \$314
o. Reference or calibration sources equal to or less than one millicurie total;	\$377 \$314	\$158 \$132
p. Nuclear service licenses, such as, leak testing, instrument calibration, etc.;	\$622 \$518	\$492 \$410
4. Waste disposal or processing;		
a. Commercial waste disposal or treatment facilities, including burial or incineration;	\$331,010 \$275,842	\$300,666 \$250,555
b. All other commercial facilities involving compaction, repackaging, storage or transfer;	\$32,501 \$27,084	\$29,965 \$24,971
c. Commercial treatment of radioactive materials for release to unrestricted areas.	\$6,913 \$5,760	\$6,882.00 \$5,735
5. Medical use:-		
a.(I) <u>Teletherapy or gamma stereotactic radiosurgery including gamma knife high dose rate remote afterloading devices;</u>	\$1,838 \$1,414	\$1,791 \$1,378
<u>(II) High dose rate remote afterloading devices;</u>	\$1,697	\$1,654
<u>(III) High dose rate remote afterloading devices and gamma stereotactic radiosurgery including gamma knife devices or teletherapy devices;</u>	\$1,838	\$1,791
b. Medical institutions, including hospitals, except category 5.a.(I), 5.a.(II), 5.a.(III), 5.e. and 5.f.;	\$1,972 \$1,643	\$2,290 \$1,908
c. Private practice physicians except category 5.a.(I), 5.a.(II), 5.a.(III), 5.d. and 5.f.;	\$1,421 \$1,184	\$1,608 \$1,340
d. Private practice physicians using only strontium 90 eye applicators, or materials authorized by Rule 64E-5.630, F.A.C., or and materials authorized by Rule 64E-5.6310, F.A.C.;	\$726 \$605	\$898 \$748
e. Nuclear powered pacemakers;	\$521 \$434	\$319 \$266
f.(I) Mobile nuclear medicine services:-	\$1,697 \$1,414	\$1,950 \$1,625
(II) <u>Mobile high dose rate remote afterloading therapy device when the treatment is only performed on the mobile vehicle.</u>	\$2,970	\$3,308
6. Civil defense.	\$653 \$544	\$985 \$821
7. Device, product, or sealed source safety evaluation:-		
a. <u>Safety evaluation of devices or products containing radioactive material, except reactor fuel devices, for commercial distribution or in accordance with the unique specifications of, and for use by, a single applicant; per device remaining in active status. Devices or products in inactive status more than 5 years must submit another application fee and be re-evaluated; Device evaluation, per device.</u>	\$4,500 \$1,208	\$2,570 NONE
b. <u>Safety evaluation of sealed sources containing radioactive material, for commercial distribution or in accordance with the unique specifications of, and for use by, a single applicant; per source remaining in active status. Sources in inactive status more than 5 years must submit another application fee and be re-evaluated. Sealed source design, per source.</u>	\$2,400 \$528	\$2,900 NONE

Specific Authority 404.051, 404.061, 404.131 FS. Law Implemented 404.031, 404.051(~~1~~), (~~4~~), (~~10~~), 404.061, 404.081(~~1~~), 404.131(~~1~~), 404.141 FS. History--New 7-17-85, Amended 9-9-90, 8-25-91, 5-12-93, 11-6-94, Formerly 10D-91.304, Amended 5-18-98, 9-28-06,_____.

PART II
LICENSING OF RADIOACTIVE MATERIALS
SUBPART C
SPECIFIC LICENSES

64E-5.210 Special Requirements for a Specific License to Manufacture, Assemble, Repair or Distribute Commodities, Products or Devices which Contain Radioactive Material.

(1) through (3) No change.

(4) Licensing the Manufacture and Distribution of Devices to General Licensees Under subsection 64E-5.206(4), F.A.C.

(a) through (f) No change.

(g) If a notification of bankruptcy has been made under subsection 64E-5.213(3), F.A.C., or the license is to be terminated, each person licensed under subsection 64E-5.210(4), F.A.C., shall provide, upon request, to the ~~d~~Department, U.S. Nuclear Regulatory Commission and to any appropriate Agreement State, records of final disposition required under paragraph 64E-5.210(4)(~~j~~)(~~k~~), F.A.C.

(h) Each person licensed under subsection 64E-5.210(4), F.A.C., shall comply with the following reporting and record keeping requirements.

1. Report all transfers of devices to persons for use under the general license described in subsection 64E-5.206(4), F.A.C., and all receipts of devices from persons licensed under subsection 64E-5.206(4), F.A.C., to the ~~d~~Department. This report must be submitted at intervals not to exceed 3 months and contain all of the information described in "Transfers of Industrial Devices Report 04/2007 ~~10/2003~~" herein incorporated by reference and is available at the address listed in paragraph 64E-5.204(2)(b), F.A.C., or at <http://www.doh.state.fl.us/environment/radiation/>.

2. through 7. No changes.

(i) Each person licensed under subsection 64E-5.210(4), F.A.C., shall comply with the following additional reporting and record keeping requirements for transfers and receipt of devices to Agreement States.

1. Report all transfers of devices to persons for use under the general license in an Agreement State that are equivalent to subsection 64E-5.206(4), F.A.C., and all receipts of devices from persons licensed under a general license in Agreement State jurisdiction to the responsible Agreement State agency. This report must contain all of the information described in "Transfers of Industrial Devices Report 04/2007 ~~10/2003~~."

2. through 8. No change.

(~~j~~)(~~k~~) The persons shall maintain all information concerning transfers and receipts of devices that supports the reports required by subsection 64E-5.210(4), F.A.C. Records and reports described in subsection 64E-5.210(4), F.A.C., shall be maintained for inspection by the ~~d~~Department for a period of 3 years following the date of the recorded event.

(5) through (14) No change.

Specific Authority 404.051, 404.061, 404.071, 404.081, 404.141 FS. Law Implemented 404.022, 404.051(~~1~~), (~~4~~), (~~6~~), (~~9~~), (~~10~~), (~~11~~), 404.061(~~2~~), 404.081(~~1~~), 404.141 FS. History—New 7-17-85, Amended 8-25-91, 5-12-93, 1-1-94, 5-15-96, Formerly 10D-91.311, Amended 8-6-01, 9-28-06,_____.

PART V
X-RAYS IN THE HEALING ARTS

64E-5.502 General Requirements.

(1) Administrative Controls.

(a) Registrant. The registrant shall be responsible for directing the operation of the x-ray systems which are subject to registration as described in Rule 64E-5.511, F.A.C. The registrant or the registrant's agent shall assure that the following requirements are met in the operation of the x-ray system.

1. through 7. No change.

8. Exposure Procedures Designed to Minimize Patient and Personal Exposure.

a. through d. No change.

e. A person shall not perform fluoroscopic imaging or otherwise expose a human to x-rays from a fluoroscopic system unless the person is a:

(I) Licensed practitioner as that term is defined in Section 468.301, Florida Statutes; or

(II) Certified radiologist assistant practicing in accordance with the requirements of Chapter 468, Part IV, Florida Statutes; or

(III) Certified general radiographer practicing in accordance with the requirements of Chapter 468, Part IV, Florida Statutes; and

(A) The general radiographer has been trained and authorized in writing by the licensed practitioner in charge to perform the specified imaging; and

(B) The specified imaging does not rely upon the general radiographer to provide any diagnostic interpretation, or to determine suspicious areas for additional imaging, or to otherwise modify the scope of authorization for the imaging; and

(C) The specified imaging is designed to prevent or reduce exposure to patients by facilitating proper location and positioning for the authorized radiographic imaging.

~~e. Persons who are not licensed to practice the healing arts shall not be permitted to perform fluoroscopic examinations or otherwise to expose humans to x rays from fluoroscopic systems unless:~~

~~(I) The individual is certified in accordance with the requirements of Chapter 468, Part IV, Florida Statutes;~~

~~(II) Such persons have been trained and authorized in writing by the licensed practitioner in charge to perform specified procedures;~~

~~(III) The specified procedures do not involve diagnostic interpretation by the unlicensed person; and~~

(IV) ~~The specified procedures are designed to prevent or reduce exposure to patients by facilitating proper location and positioning for radiographic procedures.~~

- 9. through 10. No change.
- (b) through (c) No change.
- (2) through (3) No change.

Specific Authority 404.051, 404.081, 404.141, 404.22 FS. Law Implemented 404.051~~(1), (4), (5), (6)~~, 404.081~~(1)~~, 404.141, 404.22~~(1), (2), (3)~~ FS. History—New 7-17-85, Amended 4-4-89, 1-1-94, 11-20-94, 1-5-95, Formerly 10D-91.603, Amended 5-18-98,_____.

64E-5.504 Fluoroscopic X-Ray Systems.

All fluoroscopic x-ray systems shall meet the following requirements:

- (1) Limitation of the Useful Beam.
 - (a) through (c) No change.
 - (d) Limitation to the Imaging Surface.
 - 1. No change.

2. The longitudinal and transverse dimensions of the x-ray field produced by image-intensified fluoroscopic equipment shall not extend beyond the corresponding dimensions of the visible area of the image receptor by more than 3 percent of the SID in either dimension in the plane of the image receptor and the sum of the excess shall be no greater than 4 percent of the SID. If the collimation is automatically accomplished ~~between the tube and patient~~, the x-ray field dimension criteria above shall apply to all film sizes and portions thereof that the spot film device accommodates and to the dimensions of the input phosphor, as appropriate. If collimation is not automatic, the x-ray field dimension criteria shall apply to the useful area of the input phosphor.

- 3. through 6. No change.
- (e) No change.
- (2) No change.

(3) Allowable Entrance Exposure Rate Limits for Fluoroscopic Equipment.

- (a) through (d) No change.
- (e) Measuring Compliance of Entrance Exposure Rate Limits. Compliance with this subsection shall be determined as follows:
 - 1. No change.

2. If the source can be operated ~~is~~ below the patient support device table, the exposure rate shall be measured at least 1 centimeter above the patient support device tabletop or cradle and corrected for distance to show the actual entrance exposure rate.

3. If the source can be operated ~~is~~ above the patient support device table, the exposure rate shall be measured at 30 centimeters above the patient support device tabletop with the end of the beam-limiting device or spacer assembly positioned as closely as possible to the point of measurement.

4. In a mobile C-arm type of fluoroscope, not associated with a specific patient support device, the exposure rate shall be measured at 30 centimeters from the input surface of the fluoroscopic imaging assembly with the source positioned at any available SID, provided that the end of the beam-limiting device or spacer is no closer than 30 centimeters from the input surface of the fluoroscopic imaging assembly.

5. If the source can be operated laterally to the patient support device ~~In a lateral type of fluoroscope~~, the exposure rate shall be measured at a point 15 centimeters from the centerline of the x-ray table and in the direction of the x-ray source with the end of the beam-limiting device or spacer positioned as closely as possible to the point of measurement. If the tabletop is movable, it shall be positioned as closely as possible to the lateral x-ray source with the end of the beam-limiting device or spacer no closer than 15 centimeters to the centerline of the x-ray table.

- 6. through 7. No change
- (f) through (g) No change.
- (4) through (11) No change.

(12) For remotely operated fluoroscopic systems:

(a) The control panel shall be arranged or configured to allow the operator to have both auditory and visual communication with the patient during exposures.

(b) The operator's protective barrier shall have a window or mirror system arranged so that the operator can keep the patient under constant visual surveillance during exposures.

(c) Windows shall have lead equivalent shielding equal to that required in the operator's protective barrier.

Specific Authority 404.051, 404.22 FS. Law Implemented 404.051~~(1), (4)~~, 404.22~~(1), (3)~~ FS. History—New 7-17-85, Amended 4-4-89, 3-17-92, 1-5-95, Formerly 10D-91.605, Amended 5-18-98,_____.

64E-5.506 Intraoral Dental Radiologic Systems.

- (1) through (4) No change.
- (5) Operating Controls.
 - (a) through (e) No change.

(f) Each user of intraoral units that are specifically designed to be handheld shall:

1. Have and use individual monitoring devices to document safe use practices; and

2. Successfully complete training provided by the manufacturer using electronic media such as CD/DVD or a website. Training on the safe use of the unit shall be documented and include at a minimum:

a. Proper positioning of the unit to ensure an adequate protected position;

b. Limitations on the use of position indicating devices that require longer distances to the patients face;

c. Diagrams (ie: drawings, illustrations, schematics, etc.) of protected position and location in relationship to the unit;

d. Diagrams (ie, drawings, illustrations, schematics, etc.) of the effect of improper distance or removal of shielding device; and

e. Diagrams (ie, drawings, illustrations, schematics, etc.) of common examples of improper positioning of the unit and or location of the operator.

Specific Authority 404.051, 404.22 FS. Law Implemented 404.022, 404.051(1), (4), (6), 404.22(1), (3) FS. History–New 7-17-85, Amended 4-4-89, Formerly 10D-91.607, Amended _____.

64E-5.511 Registration of Radiation Machines

(1) Exemptions.

(a) No change.

(b) Radiation machines that are non-operational and under the control of a registered vendor prior to final installation while in transit or storage incident thereto are exempt from the registration and fee requirements of this section part.

(2) Application and Fees for Registration of Radiation Machines.

(a) Each person who acquires a radiation machine or an additional radiation machine shall:

1. Apply for registration of the radiation machine with the department within 30 days after acquisition and before use. Application for registration shall be on ~~DH DOH Form~~ 1107, 3/07, which is herein incorporated by reference and available from the department at <http://www.doh.state.fl.us/environment/radiation/>.

2. through 3. No change

(b) No change.

(2) through (7) No change.

Specific Authority 404.051 FS. Law Implemented 404.071, 404.091, 404.101, 404.141, 404.161, 404.162, 404.163, 404.22(2) FS. History–New 12-12-96, Formerly 10D-91.612, Amended _____.

PART X
ENVIRONMENTAL RADIATION STANDARDS
SUBPART B
ENVIRONMENTAL MONITORING

64E-5.1003 Monitoring Fees.

(1) No change.

(2) The annual fees paid by the mining companies shall be calculated by the following method:

(a) Gamma radiation exposure measurements will be made at the rate of one per acre. An annual fee of ~~\$22.50~~ \$7.50 per measurement shall be assessed the mining company by the department.

(b) Soil characterization measurements will be made at the rate of one per 20 acres. An annual fee of ~~\$960~~ \$320.00 per each 20 acres measured shall be assessed the mining company by the department.

(c) Air monitoring measurements will be assessed at the rate of ~~\$495~~ \$165.00 per measurement. The department shall prorate the cost of air monitoring measurements among the mining companies based on their share of the total acreage to be mined and reclaimed each year. The department will conduct no more than 272 air monitoring measurements per year for all mining companies for which a fee will be assessed.

(d) No change.

(3) through (4) No change.

Specific Authority 404.022, 404.051, 404.056, 404.131 FS. Law Implemented 404.022(2), 404.051(4), 404.131(5) FS. History–New 11-13-85, Amended 9-26-91, Formerly 10D-91.1112, Amended _____.

PART XV
TRANSPORTATION OF RADIOACTIVE MATERIAL
SUBPART A

64E-5.1508 Inspection of Low-Level Radioactive Waste Shipments.

(1) through (5) No change.

(6) Each generator of radioactive waste whose shipment is inspected by the department's representative will be billed quarterly by the department a fee of \$1.95 per cubic foot (0.02832 cubic meter) of waste shipped or ~~\$150.00~~ \$50 per shipment inspected, whichever is greater. This quarterly billing will be paid to the department within 30 days of receipt of the bill.

Specific Authority 404.051, 404.061, 404.071, 404.20, FS. Law Implemented 404.022, 404.051(1), (4), (6), (11), (15), 404.061(2), 404.071(1), 404.20(1), (2), (3), (4), (5) FS. History–New 7-17-85, Amended 7-5-88, Formerly 10D-91.2009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
William A. Passetti
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Conti
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007
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