

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.009
 RULE TITLE: Constitutional Amendment by Initiative Petition

PURPOSE AND EFFECT: To implement changes to the procedural requirements for submission of petition forms and their contents. The revised rule will clarify that the sponsoring political committee must include its address in the political disclaimer portion of the form and that no additional information other than that permitted by the rule may be printed on the petition form. The rule deletes the provision that prohibits the bundling of petitions while being circulated for signature because Section 100.371, F.S., now expressly contains the prohibition. The rule also corrects an incorrect citation to the specific authority for the rule and adds the Florida Constitution as an implementing law source.

SUBJECT AREA TO BE ADDRESSED: Citizen constitutional initiative process.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(2), (7), 101.161(2) FS.

LAW IMPLEMENTED: Art XI, Fla. Const., 100.371, 101.161 FS.

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

DATE AND TIME: Friday, July 25, 2008, 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.009 Constitutional Amendment by Initiative Petition.

(1) Submission of Initiative Petition. Any proposed initiative amendment to the State Constitution to be placed on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to format prior to circulation of the proposed initiative amendment. Such submission shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No initiative petition form for signatures may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Initiative Petition Form. The Division shall review the initiative petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Constitutional Amendment Petition Form."

(c) Includes adequate space for the voter's name, residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

(d) Contains the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length as prescribed in subsection (4).

(e) Conspicuously contains in the following order:

1. The ballot title;

2. The ballot summary;

3. The article and section being created or amended; and

4. The full text of the amendment being proposed. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature to be located below the full text of the amendment being proposed. The Division will not approve petition forms providing for multiple signatures per page.

(g) Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name and address of the sponsoring political committee, and the name of the entity paying for the advertisement if different from the name of the sponsoring political committee.

(h) Contains space, in accordance with Section 106.19(3), F.S., for the name and address of a paid petition circulator, in the event the petition form is gathered by a paid petition circulator.

(3) Sample Petition Form. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19 (effective 10-15-07), entitled "Constitutional Amendment Petition Form." Form DS-DE 19 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Word Count. The following provisions apply to determine the word count for a ballot title and summary:

(a) Hyphenated compound words count as two or more words.

(b) An ampersand or a plus or minus sign shall count as one word.

(c) Punctuation such as commas, periods, hyphens, question marks, parentheses, quotation marks or exclamation points does not affect the word count.

(d) Each word joined by a forward or back slash to another word counts separately as a word.

(e) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(f) Each word in a name is individually counted. Example: George Washington shall count as two words.

(g) Each whole number shall count as a word.

(h) Spaces do not affect the word count.

(5) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials ~~that support the proposed amendment~~ shall be printed directly on the form.

(6) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number 06-1. The serial number assigned must be printed in the lower right hand corner of the petition form.

(7) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The Division of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in

punctuation or layout, or a change in the name of the sponsoring political committee. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Division of Elections.

~~(8) Bundling. No initiative petition form circulated for signature may be bundled with or attached to any other petition form.~~

~~(9)~~(9) Reproduction. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided such forms are reproduced in the same format as approved by the Division. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

~~(9)~~(10) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the Supervisors of Elections for verification of signatures in accordance with Rule 1S-2.0091, F.A.C.

~~(10)~~(11) Effect on Previously Approved Petition Form. Any petition form approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering unless a material change to the previously approved petition form has been approved by the Division of Elections or until the sponsoring political committee notifies the Division of Elections that the committee is no longer seeking to obtain ballot position, or the registration of the sponsoring political committee has been revoked in accordance with Rule 1S-2.021, F.A.C.

Specific Authority 20.10(3), 97.012(1), 100.371~~(2)(3)~~, (7), 101.161(2) FS, Law Implemented Art XI, Fla. Const., 100.371, 101.161 FS, History—New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, 7-31-02, 3-16-06, 10-15-07,_____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.0091	Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification

PURPOSE AND EFFECT: To implement the amendments to Section 100.371, Florida Statutes, in Chapter 2008-95, Laws of Florida. The amendments altered the requirements relating to the recording by the supervisors of elections and the determination by the Secretary of State regarding verified signatures on citizen constitutional initiative petition forms. The statutory amendments deleted the requirement that verified signatures be recorded in the statewide voter

registration system. The revised rule adopts a paper certification system for use by the supervisors of elections in reporting signature verifications to the Secretary of State. The Secretary of State then will determine whether the requisite number of signatures has been verified.

SUBJECT AREA TO BE ADDRESSED: Citizen constitutional initiative process.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(7) FS.

LAW IMPLEMENTED: Art XI, Fla. Const., 100.371 FS.

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

DATE AND TIME: Friday, July 25, 2008, 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nlshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petitions, a registered voter in the county in which the petition is submitted,

2. Had not previously revoked his or her signature on the petition,

3. Had not signed the petition form more than four years prior to the date the Supervisor verified the petition, and

4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's name,

2. The voter's residential street address (including city and county),

3. The voter's date of birth or voter registration number,

4. The voter's original signature, and

5. The date the voter signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4) Recordation of Verification. ~~No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature.~~ The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisors of Elections shall promptly submit to the Division of Elections a certificate indicating the total number of signatures verified and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the filing deadline, followed by the original certificates sent by mail.

~~(5)(a) Filing Deadline. Determination of Constitutionally Requisite Number of Signatures. The Division shall determine from the verified petition signatures recorded in the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district~~

and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be verified and reported to the Division recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.

(6)(b) Effect of Revocation Petition. Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations reported to the Division recorded no later than 5:00 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures reported recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.

~~(e) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5:00 p.m. on February 1 of the year in which the next general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.~~

(7)(5) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented Art XI Fla. Const., 100.371 FS. History--New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07,_____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.0095
RULE TITLE: Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

PURPOSE AND EFFECT: To implement the amendments to Section 100.371, Florida Statutes, in Chapter 2008-95, Laws of Florida. The statutory amendments deleted the requirement

that verified signatures on petition revocation forms be recorded in the statewide voter registration system; therefore, the revised rule removes this requirement. The statutory amendments also mandated the adoption of petition revocation forms, to include a standard form when no corresponding initiative petition has been submitted and approved. The revised rule adopts such form. The rule clarifies that the sponsoring political committee also must include its address in the political disclaimer portion of the revocation form and that no additional information other than that required by the rule may be printed on the petition revocation form. The rule also deletes the provision that prevents bundling of the revocation petitions as being unnecessary, because Section 100.371, F.S., requires that the manner in which signatures on petition revocation forms are obtained be subject to the same requirements as the corresponding petition form. The statute now expressly provides that petition forms cannot be bundled while being circulated for signature.

SUBJECT AREA TO BE ADDRESSED: Citizen constitutional initiative revocation process.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(7) FS.

LAW IMPLEMENTED: 100.371, 101.161 FS.

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

DATE AND TIME: Friday, July 25, 2008, 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nlshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.0095 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

(1) Submission of Petition Revocation Form. Prior to circulation of a petition revocation form, any person or group sponsoring the revocation effort must register as a political committee pursuant to Chapter 106, F.S., and must obtain approval of the petition revocation form from the Division of Elections. Submissions shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No petition revocation form may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Petition Revocation Form. The Division shall review the petition revocation form submitted by the sponsoring political committee solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The format of the petition revocation form is deemed sufficient only if the form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Petition Revocation Form."

(c) Includes adequate space for the voter's: name; residential street address, city, and county at the time of signing the initiative petition for which the signature is being revoked; voter registration number; date of birth; signature; and date of signature.

(d) Contains the ballot title and ballot summary of the proposed amendment in the initiative petition for which the signature is being revoked.

(e) Conspicuously contains the full text of the amendment for which the signature is being revoked, as indicated in the initiative petition as approved in Rule 1S-2.009, F.A.C. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature, to be located below the full text of the amendment for which the signature is being revoked.

(g) Contains instructions below the signature of the voter that provide:

1. The Supervisor of Elections may not accept the petition revocation form directly from the voter;

2. The voter shall return the form to the political committee sponsoring the revocation petition; and

3. The contact information for the political committee sponsoring the revocation petition, which at a minimum, shall include its name and mailing address.

(h) Is marked, in accordance with Section 106.143, F.S., with the appropriate disclaimer which identifies the name and address of the political committee sponsoring the revocation

effort and the name of the entity paying for the petition, if different from the name of the committee sponsoring the revocation effort.

(i) Contains space for the name and address of a paid petition circulator in the event the petition revocation form is gathered by a paid petition circulator.

(3) Format of Petition Revocation Form.

1. The format of the initiative petition revocation form sponsored by a political committee and submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19R (eff. 8/1/07), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

2. Any voter desiring to revoke his or her signature on an initiative petition when a political committee has not submitted and obtained approval of a petition-revocation form for the petition, shall use Form DS-DE 19R-SF (eff. 7/1/08), entitled "Petition Revocation Standard Form." Form DS-DE 19R-SF is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition revocation form may be returned by mail to the political committee, no additional information or materials ~~that relate to the initiative petition or the petition revocation~~ shall be printed directly on the form.

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form sponsored by a political committee. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

~~(6) Bundling. No petition revocation form circulated for signature may be bundled with or attached to any other petition form or petition revocation form.~~

~~(6)(7) Reproduction.~~

(a) Petition-Revocation Forms Sponsored by a Political Committee. Blank pPetition-revocation forms sponsored by a political committee may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by

the Division. The blank petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(b) Form DS-DE 19R-SF. A blank Form DS-DE 19R-SF may be reproduced by downloading from the Internet or photocopying another blank form, provided such form is reproduced in the same format as produced by the Division. Only an employee of the Division of Elections or a Supervisor of Elections' office, the voter who intends to sign the form, or someone at the voter's request may download or provide the voter with a copy of Form DS-DE-19R-SF for submission to a Supervisor of Elections.

(7)(8) Submission of Signed Petition Revocation Forms. All signed petition revocation forms, except for those properly submitted on Form DS-DE 19R-SF, shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. When there is no sponsoring political committee, a voter shall submit the Form DS-DE 19R-SF directly to the Supervisor of Elections' office in person, through a person acting on the voter's behalf, or by mail, along with the signature verification fee required by Section 99.097(4), F.S. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

(8)(9) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each petition revocation form within 30 days of receipt of the form and shall confirm that:

1. The underlying original initiative petition on which the signature is being revoked was verified;
2. The date the petition revocation form was signed by the voter is not more than 150 days from the date the underlying original initiative petition was signed; and
3. The voter is a registered voter in Florida at the time of verifying the signature on the petition revocation form.

(b) The Supervisor shall not verify a signature on a petition revocation form unless all of the following information is contained on the petition revocation form:

1. The voter's name;
2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;

3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition revocation form, as recorded by the voter.

(9)(10) Recordation of Verification. No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition. Upon completion of the verifications as set forth in subsection (8), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the number of verified revocations and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one revocation form to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by the original certificates sent by mail.

(10)(11) Filing Deadline. In order for a petition revocation form to count against the number of signatures recorded as verified for the underlying original initiative petition for the next general election, the signed petition revocation must be verified and received by Division of Elections entered into the statewide voter registration system no later than 5:00 p.m. of February 1 preceding the next general election in which the initiative amendment is certified for ballot position.

(11)(12) Availability of Forms. The sponsoring political committee for the petition revocation effort shall provide each supervisor of elections with petition revocation forms for distribution at the main and branch offices of the supervisor of elections.

(12)(13) Irrevocable Effect of Revocation. A voter may sign only one petition revocation form for the underlying original petition. In accordance with Section 104.185, F.S., when a voter signs a petition revocation form, the voter may not again sign the initiative petition on which the voter is seeking to revoke his or her signature.

(14) Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7), 101.161 FS. Law Implemented 100.371, 101.161 FS. History--New 10-15-07, Amended

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility criteria, application submission criteria including the required use of the Division’s new on-line grants system; and criteria related to compliance with and the recordation of restrictive covenants.

SUBJECT AREA TO BE ADDRESSED: Regional Cultural Facilities Program eligibility, application procedures, matching funds, evaluation criteria, reporting requirement, and grant administration.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.605(1), 265.608(1), 265.609(1), (4), 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561 FS.

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

DATE AND TIME: Monday, July 21, 2008, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-20.001
RULE TITLES: Definitions of Terms for State Student Aid Programs

6A-20.003 Florida Residency as a Requirement for the Receipt of State Student Aid

6A-20.007 William L. Boyd, IV, Florida Resident Access Grants

6A-20.012 Critical Teacher Shortage Tuition Reimbursement Program

6A-20.013 Critical Teacher Shortage Student Loan Forgiveness Program

6A-20.019 Children and Spouses of Deceased or Disabled Veterans or Children of Servicemen Classified as Prisoners of War or Missing in Action Scholarships

6A-20.023 Jose Marti Scholarship Challenge Grant Fund

6A-20.027 Rosewood Family Scholarship Fund

6A-20.038 Florida Work Experience Program

PURPOSE AND EFFECT: The purpose of the rule developments is to ensure consistency with current state and federal laws. The effect is better aligned services.

SUBJECT AREA TO BE ADDRESSED: Student Financial Assistance.

SPECIFIC AUTHORITY: 295.01(3), 295.01(4), 295.02, 1001.02(1), 1009.50(1), 1009.55(2), 1009.505(5), 1009.51(1), 1009.52(7), 1009.53(3), 1009.55(2), 1009.56(1), 1009.57(1), 1009.58(2), 1009.59(4), 1009.62(4), 1009.72(1), 1009.72(7), 1009.73(1), 1009.765, 1009.77(7), 1009.89(2), 1009.891(2), 1009.93(4), 1009.95(7) FS.

LAW IMPLEMENTED: 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 295.02, 295.03, 295.04, 295.05, 1001.02, 1009.40, 1009.42, 1009.402, 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.531, 1009.532, 1009.533, 1009.534, 1009.535, 1009.536, 1009.537, 1009.538, 1009.5385, 1009.55, 1009.56, 1009.57, 1009.58, 1009.59, 1009.62, 1009.631, 1009.632, 1009.633, 1009.634, 1009.72, 1009.73, 1009.77, 1009.89, 1009.93 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: 6E-1.003
RULE TITLES: Definition of Terms

6E-1.0032 Fair Consumer Practices

6E-1.0041 Honorary Degrees

PURPOSE AND EFFECT: Update and review definitions and fair consumer practice act.

SUBJECT AREA TO BE ADDRESSED: Definitions and fair consumer practices.

SPECIFIC AUTHORITY: 1005.22 FS.
LAW IMPLEMENTED: 1005.22, 1005.31, 1005.32 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: July 22, 2008, 4:30 p.m.
PLACE: The Fairmont Turnberry Isle Resort and Club, 19999 West Country Club Drive, Aventura, Florida 33180

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: Area of Critical State Concern at (850)488-4925. 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines Street, Suite 1414, Tallahassee, FL 32399-0400

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-2.004 Standards and Procedures for Licensure

PURPOSE AND EFFECT: Review obsolete references and consider changes to financial standard and harmonize provisions.

SUBJECT AREA TO BE ADDRESSED: Standards and Procedures for Licensure.

SPECIFIC AUTHORITY: 1005.22, 1005.31, 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33, 1005.34, 1005.39 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: July 22, 2008, 4:30 p.m.
PLACE: The Fairmont Turnberry Isle Resort and Club, 19999 West Country Club Drive, Aventura, Florida 33180

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: Area of Critical State Concern at (850)488-4925. 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines Street, Suite 1414, Tallahassee, FL 32399-0400

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-4.001 Fees and Expenses

PURPOSE AND EFFECT: To clarify reporting date and incorporate form.

SUBJECT AREA TO BE ADDRESSED: Fees and expenses.

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.35, 1005.37, FS.

LAW IMPLEMENTED: 1005.22, 1005.35, 1005.37 FS.

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

DATE AND TIME: July 22, 2008, 4:30 p.m.
PLACE: The Fairmont Turnberry Isle Resort and Club, 19999 West Country Club Drive, Aventura, Florida 33180

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: Area of Critical State Concern at (850)488-4925. 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines Street, Suite 1414, Tallahassee, FL 32399-0400

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-15.0081 Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: The Florida Department of Transportation is proposing changes to the Toll Facilities Description and Toll Rate Schedule to establish a toll for a SunPass-only southbound on-ramp and a SunPass-only northbound off-ramp at the Sunrise Boulevard Interchange in Broward County. Section 338.155(1), Florida Statutes, does

not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The proposed workshop is being held in conjunction with a Project Development and Environment study Public Hearing for the Florida Department of Transportation's construction of a SunPass-only on-ramp and a SunPass-only off-ramp at the Sunrise Boulevard interchange and Florida's Turnpike Mainline. These new ramps are a modification of the existing interchange at the Turnpike Mainline and Sunrise Boulevard. The project is located in Broward County on the Southern Coin System at Mile Post 58, approximately four miles north of the I-595/Turnpike Mainline interchange and approximately four miles south of the Commercial Boulevard/Turnpike Mainline interchange. Tolls are proposed to be collected from vehicles entering the Turnpike Mainline southbound and exiting the Turnpike Mainline northbound.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

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

DATE AND TIME: July 31, 2008, Open House: 5:30 p.m. – 6:30 pm, Formal Presentation: 6:30 p.m.

PLACE: Sadkin Community Center, 1176 N. W. 42nd Way, Lauderhill, Florida 33313

In the event that severe weather or other unforeseen conditions cause the Rule Development Workshop to be postponed, it will be held on the alternate date of August 13, 2008 at the same time and location.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, October 26, 2006, January 15, 2007, and _____, is hereby

incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.155, 338.165, 338.222, 338.231, 338.26 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, 10-26-06, 1-15-07, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-9.001	Fresh Form
20-9.002	Processed Form
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Excise Tax
20-9.006	Late Filing of Returns and Inadequacy of Bond

PURPOSE AND EFFECT: Amendment deferring reporting of early season fruit and payment of taxes until after tax rate is approved by the Florida Citrus Commission.

SUBJECT AREA TO BE ADDRESSED: Reporting of early season fruit and payment of taxes until after tax rate is approved by the Florida Citrus Commission.

SPECIFIC AUTHORITY: 601.10(1), 601.15(1), (5), (6), (10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15(1),(3),(5),(6), 601.152, 601.154, 601.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or awiggins@citrus.state.fl.us

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-0.105	Consideration of Intended Agency Decision on Permit Applications
40E-0.109	Point of Entry Into Proceedings and Mediation

PURPOSE AND EFFECT: The South Florida Water Management District (District) proposes to: 1) amend Rule 40E-0.105, Florida Administrative Code (F.A.C.), to allow for additional noticing through electronic media; and 2) amend Rule 40E-0.109, F.A.C., which inadvertently omitted the language allowing for electronic noticing when the original noticing provisions were enacted.

SUBJECT AREA TO BE ADDRESSED: 1) Electronic noticing of notices of intent; 2) and "Receipt of written notice of agency decision" as defined in the Exceptions to the Uniform Rules to include electronic noticing.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements. 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 IS: Anita R. Bain, Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6866, email abain@sfwmd.gov. For any procedural matters, you may contact Charron A. Follins, Senior Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6293, email cfollins@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-0.105 Consideration of Intended Agency Decision on Permit Applications.

(1) No change.

(2) The Governing Board shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or individual water use permit application at its next available regularly scheduled regulatory meeting following the mailing either by regular United States mail or electronic mail of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) No change.

(4) Because the Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the Governing Board. If the Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail a notice of the final agency action either by regular United States mail or electronic mail to all persons who were notified of the intended agency decision.

Specific Authority 120.54(5), 120.60, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.60, 668.003, 668.004, 668.50 FS. History--New 7-2-98, Amended.

40E-0.109 Point of Entry Into Proceedings and Mediation. Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

(1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) If notice is published pursuant to this chapter, publication shall constitute constructive notice to all persons. Until notice is published, the point of entry to request a formal or informal administrative proceeding shall remain open unless actual notice is received.

(2) through (3) No change.

Specific Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History--New 7-2-98, Amended 6-12-00, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.011	Policy and Purpose
40E-2.091	Publications Incorporated by Reference
40E-2.301	Conditions for Issuance of Permits
40E-2.331	Modification of Permits

PURPOSE AND EFFECT: To identify the authorities and regulatory tools to be used to protect water from the natural system from consumptive uses and specifically define the volume and timing of water to be reserved from allocation for the Picayune Strand Restoration Project.

SUBJECT AREA TO BE ADDRESSED: The rule is to be applied to protect waters for the natural systems that occur within the boundaries of the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.103(1), 373.113, 373.171, 373.216, 373.219, 373.223, 373.229, 373.233 FS.

LAW IMPLEMENTED: 373.103(1), 373.103(4), 373.118, 373.203, 373.216, 373.219, 373.223, 373.229, 373.233, 373.239, 373.249 FS.

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

DATE AND TIME: July 24, 2008, 1:00 p.m.

PLACE: Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov; Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 4208 or (561)682-4208, email: bmills@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6343 or (561)682-6343, email:belewis@sfwmd.gov. For procedural questions: Jan Sluth, Paralegal, South Florida Water Management District,

P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6299 or (561)682-6299, email:jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

40E-2.011 Policy and Purpose.
(1) through (2) No change.

(3) Additional rules relating to water use are found in Chapter 40E-5, F.A.C., (Artificial Recharge), Chapter 40E-8, F.A.C., (Minimum Flows and Levels), Chapter 40E-10, F.A.C., (Protection of Waters for the Natural System from Consumptive Uses), Chapters 40E-20, F.A.C., (General Water Use Permits), 40E-21, F.A.C., (The Water Shortage Plan), 40E-22, F.A.C., (Regional Water Shortage Plans) and 40E-23, F.A.C., (Water Resource Caution Areas).

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.203, 373.216, 373.249 FS. History–New 9-3-81, Formerly 16K-2.01, Amended 7-4-82, 2-24-85, 11-18-91, 8-1-02, 8-31-03,_____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~February 13, 2008~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

(The following represents changes to the “Basis of Review for Water Use Permit Applications Within the South Florida Water Management District – February 13, 2008)

1.8 Definitions

Reservation water body – Areas within the District as identified in Rules 40E-10.021 and 40E-10.421, F.A.C., for which a water reservation has been established.

3.11 Water Reservations

The following criteria shall apply to projects proposing to withdraw water directly or indirectly from a water body with an established water reservation (reservation water body) as specified in Rule 40E-10.421, F.A.C.. For this section, the following definitions apply:

Direct Withdrawals from a Groundwater Reservation Water Body: Water pumped from a well constructed into the aquifer for which the reservation has been

established and which is located within the boundaries of the reservation water body as defined in Rule 40E-10.021, F.A.C.

Indirect Withdrawals from a Groundwater Reservation Water Body: a) water pumped from a well constructed into the aquifer for which the reservation has been established and which is located outside the boundaries of the reservation water body as defined in Rule 40E-10.021, F.A.C., and imposes greater than a 0.1 foot drawdown at any location within the reservation water body boundaries, or b) water pumped from a well constructed into an adjacent aquifer that is hydraulically connected to the reservation water body and imposes greater than a 0.1 foot of drawdown at any location within the reservation water body boundaries

Direct Withdrawals from a Surface Water Reservation Water Body: a) surface water withdrawal from facilities physically located within the boundaries of a reservation water body.

Indirect Withdrawal from a Surface Water Reservation Water Body: a) the withdrawal of surface water from a conveyance that is tributary to or distributary from a reservation water body or b) a ground water withdrawal that causes a water table drawdown greater than 0.1 feet beneath a surface water conveyance that is tributary to or distributary from a reservation water body.

A. Permit Renewals – A request for renewal of an existing permit, which directly or indirectly withdraws from a reservation water body, shall meet the requirements of this section if: 1) the levels of impacts from the water withdrawn under the expiring permit during a 1 in 10 drought year level of certainty are no greater than those associated with the requested renewal and 2) the use is not contrary to the public interest. If the level of certainty under the expiring permit is changed to a 1 in 10 year level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10 year level of drought) the levels of impacts from the withdrawal of water under the expiring permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact of the withdrawal of water.

B. New or Modified Permits – A request for a new or a modification of an existing permit that would increase the direct or indirect withdraws of water from a reservation water body, shall meet the requirements of this section if the applicant demonstrates that the proposed withdrawal does not use water that has been reserved per Rule 40E-10.421, F.A.C., as follows:

1. Applications which propose to withdraw water from a reservation water body for which all the waters contained within and flowing into have been reserved: the following criteria shall apply:

(a) Direct Withdrawals: No direct withdrawals are authorized.

(b) Indirect Withdrawals: Indirect withdrawals that are determined to reduce waters reserved from allocation are not authorized. Should a proposed use be identified as a potential indirect withdrawal from a reservation water body, the applicant shall demonstrate that the proposed use does not reduce waters reserved from allocation through an analysis conducted consistent with section 1.7.5.2, by establishing the proposed use is not an indirect withdrawal from a reservation water body or that the proposed indirect withdrawals are not sufficient to reduce the water reserved under Rule 40E-10.421, F.A.C. In the event these criteria cannot be met, the applicant shall modify the application to meet the reservation criteria.

2. Applications which propose a withdrawal of water from a water body for which only a portion of the waters have been reserved: a permit may be granted from a project that includes a reservation water body and have waters available for allocation that have not been reserved and for which the proposed use otherwise meet criteria contained in district rules. Consistency with the following criteria shall demonstrate that the proposed use does not utilize waters otherwise reserved from allocation:

(a) The proposed withdrawal is for water that has been certified as available for consumptive use by the governing board as defined in Section 1.8. The applicant must demonstrate that the proposed use of water is consistent with the governing board issued project water certification and the remaining criteria in the section.

(b) For proposed uses from a reservation water body for which a certification described in 2.(a) does not exist, the applicant shall demonstrate through the use of an approved model consistent with the criteria contained in section 1.7.5.2 that the proposed use will not use waters reserved under Rule 40E-10.421 F.A.C.

40E-2.301 Conditions for Issuance of Permits.

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

(j) Is consistent with Sections 373.016, 373.1501, 373.1502 and 373.036, F.S., and otherwise is consistent with the public interest as prescribed by Chapter 373, F.S., and this chapter.

(k) Is consistent with waters reserved for the protection of fish and wildlife or the public health and safety pursuant to the provisions in Chapter 373.223, F.S., this chapter and Chapter 40E-10, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.2295, 373.418, 373.223, 373.229, 373.470, 373.1501, 373.1502 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08,_____.

40E-2.331 Modification of Permits.

(1) through (3) No change.

(4)(a) Modification of an existing water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. Does not result in an increase in the amount of the permit allocation;

2. Does not modify the existing permit expiration date, except that when the permit duration is based upon the current lease expiration date, the permit duration shall be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to Rule 40E-2.321, F.A.C.;

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, does not result in the use of water reserved from allocation, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. Does not change the permitted withdrawal source(s) or use classification.

5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S.

(b) The timeframes set forth in Rule 40E-1.603, F.A.C., shall apply to the processing of letter modifications.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, 4-23-07, 2-13-08,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.021	Definitions
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The South Florida Water Management District (District) proposes to amend the definition of listed species in its rules governing the issuance of environmental resource permits (ERP) to update the rule references concerning listed wildlife and plant species, and to specifically reference the bald eagle, which is protected under a federal statute known as the Bald and Golden Eagle Protection Act. Under the District’s existing rules, the bald eagle is included in the definition of listed species by reference to a previous Florida Fish and Wildlife Conservation Commission (FWC) rule identifying threatened species. However, the FWC has recently amended its rules, effective May 15, 2008, such that the bald eagle is no longer classified as a threatened species by the FWC. Specifically, the District proposes to amend the definition of listed species in subsection 40E-4.021(29), F.A.C., and in Section 2.18 Basis of Review for Environmental Resources Permit Applications within the South Florida Water Management District (BOR), and update rule references in Sections 2.10, 2.18 and 2.37. Table 4.2.7-1 of the BOR will also be amended to include the bald eagle under a new category (other) and remove it from the category of threatened species. If these amendments are adopted, the protections afforded by the District’s rules to wildlife species that are now classified as endangered, threatened or species of special concern would continue to be afforded the bald eagle.

SUBJECT AREA TO BE ADDRESSED: The proposed rules amend the definition of listed species in subsection 40E-4.021(29), F.A.C., and in Section 2.18 BOR, and update rule references in Sections 2.10, 2.18 and 2.37 of the BOR. The proposed rules will remove the bald eagle from the category of threatened species in Table 4.2.7-1 of the Basis of Review for Environmental Resources Permit Applications within South Florida Water Management District and include it under a new category.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.016(2), 373.413, 373.414, 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: July 24, 2008, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, Econ Room, 975 Keller Road, Altamonte Springs, FL 32714-1618

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with

disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements. 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 DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Anita R. Bain, Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6866, email abain@sfwmd.gov. Any procedural matters you may contact Charron A. Follins, Senior Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6293, email cfollins@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.,

(1) through (28) No change.

(29) "Listed species" means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007), F.A.C.; the bald eagle (Haliaeetus leucocephalus), which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004).

(30) through (46) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06,_____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - _____ 7-22-07".

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History--New 9-3-81 Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07,_____.

BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCES PERMIT APPLICATIONS WITHIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT

2.0 Definitions

2.1 through 2.9 No change.

2.10 "Endangered Species" – Those animal species which are listed in Section 68A-27.003 (as amended December 16, 2003), 39-27.003, F.A.C., and those plant species which are listed as endangered in 50 Code of Federal Regulations 17.12 (as amended April 8, 2004), when such plants are located in a wetland or other surface water.

2.11 through 2.17 No change.

2.18 "Listed species" – Those animals species which are endangered, threatened or of special concern and are listed in Sections 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) 39-27.003, 39-27.004 and 39-27.005, F.A.C.; the bald eagle (Haliaeetus leucocephalus), which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

2.19 through 2.36 No change.

2.37 "Threatened Species" – Those animal species listed in Section 68A-27.004 (as amended May 15, 2008), 39-27.004, F.A.C., and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12 (as amended April 8, 2004), when such plants are located in a wetland or other surface water.

2.38 through 2.39 No change.

4.2.7 Secondary Impacts

Pursuant to paragraph 4.1.1(f), an applicant must provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to the water resource, as described in paragraphs (a) through (d) below. Aquatic or wetland dependent fish and wildlife are an integral part of the water resources which the District is authorized to protect under Part IV, Chapter 373, F.S. Those aquatic or wetland dependent species

which are listed as defined in section 2.0 ~~threatened, endangered or of special concern~~ are particularly in need of protection.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 4.2.2, water quality, upland habitat for aquatic or wetland dependent listed species, and historical and archaeological resources. De minimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 4.3.8. If such secondary impacts can not be prevented, the applicant may propose mitigation measures as provided for in subsections 4.3 – 4.3.9. This secondary impact criterion consists of the following four parts:

- (a) No change.
- (b) An applicant shall provide reasonable assurance that the construction, alteration, and intended or reasonably expected uses of a proposed system will not adversely impact the ecological value of uplands to aquatic or wetland dependent listed animal species for enabling existing nesting or denning by these species, but not including:
 1. areas needed for foraging; or
 2. wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Table 4.2.7-1 identifies those aquatic or wetland dependent listed species that use upland habitats for nesting and denning.

For those aquatic or wetland dependent listed animal species for which habitat management guidelines have been developed by the U.S. Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FWC) ~~Florida Game and Fresh Water Fish Commission (FGFWFC)~~, compliance with these guidelines will provide reasonable assurance that the proposed system will not adversely impact upland habitat functions described in paragraph (b). For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed or in cases where an applicant does not propose to use USFWS or FWC ~~FGFWFC~~ habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species.

- (c) through (d) No change.

TABLE 4.2.7-1

Listed Wildlife Species That Are Aquatic Or Wetland Dependent

And That Use Upland Habitats For Nesting Or Denning

Fishes

Species of Special Concern

No change.

Reptiles

Endangered

No change.

Threatened

No change.

Species of Special Concern

No change.

Birds

Endangered

No change.

Threatened

Charadrius alexandrinus tenuirostris (southeastern snowy plover)

Charadrius melodus (piping plover)

Columba leucocephalus (white-crowned pigeon)

Grus canadensis pratensis (Florida sandhill crane)

~~Haliaeetus leucocephala (bald eagle)~~

Picoides borealis (red-cockaded woodpecker) THIS SPECIES ONLY WETLAND DEPENDENT IN LEE, COLLIER, AND CHARLOTTE COUNTIES

Polyborus plancus audubonii (Audubon's crested caracara)

Sterna antillarum (least tern)

Sterna dougallii (roseate tern)

Species of Special Concern

No change.

Other

Haliaeetus leucocephalus (bald eagle)

Mammals

Endangered

No change.

Threatened

No change.

Species of Special Concern

No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:

40E-4.021 Definitions

PURPOSE AND EFFECT: The South Florida Water Management District (District) proposes to: expand the definition of electronic filing in subsection 40E-4.021(13), F.A.C., to include Works of the District permits.

SUBJECT AREA TO BE ADDRESSED: Subsection 40E-4.021(13), F.A.C., the definition of electronic filing, will be expanded to include Works of the District Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements. 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 IS: Anita R. Bain, Division Director, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6866, email abain@sfwmd.gov. For any procedural matters, you may contact Charron A. Follins, Senior Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6293, email cfollins@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40E-4.021 Definitions.
- (1) through (12) No change.

(13) "Electronic filing" means filing or submission of an Environmental Resource, Surface Water Management, ~~Permit~~ ~~or~~ Consumptive Use, or Works of the District Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District's e-Permitting website. Electronic filing is governed by the provisions of Chapter 668, F.S. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(14) through (46) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-.443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Policy and Purpose
40E-10.021	Definitions
40E-10.031	Permit Criteria for the Protection of the Natural System
40E-10.221	Protected Natural Systems Water
40E-10.321	State Priority Ecosystems
40E-10.421	Water Reservations
40E-10.431	Water Reservation Areas: Lower West Coast Planning Area

PURPOSE AND EFFECT: To identify the authorities and regulatory tools to be used to protect water from the natural system from consumptive uses and specifically define the volume and timing of water to be reserved from allocation for the Picayune Strand Restoration Project.

SUBJECT AREA TO BE ADDRESSED: The rule is to be applied to protect waters for the natural systems that occur within the boundaries of the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.103(4), 373.113, 373.118, 373.171, 373.219, 373.223 FS.

LAW IMPLEMENTED: 373.026(8), 373.036, 373.0361, 373.103(4), 373.118, 373.1501, 373.223, 373.229, 373.4592, 373.4595 FS.

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

DATE AND TIME: July 24, 2008, 1:00 p.m.

PLACE: Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6817 or (561)682-6817,

email: sburns@sfwmd.gov; Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 4208 or (561)682-4208, email:bmills@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6343 or (561)682-6343, email: belewis@s fwm.d.gov. For procedural questions: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email:jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

40E-10.011 Policy and Purpose.

(1) The waters of the state are among its basic resources. Such waters should be managed to preserve or restore natural resources, fish and wildlife and to promote the availability of sufficient water for all existing and future reasonable and beneficial uses and the natural system.

(2) The governing board may require permits for consumptive use of water and may impose reasonable conditions as are necessary to assure that such use is consistent with the overall objectives of the district and is not harmful to the water resources of the area.

(3) The objectives of the Governing Board in issuing consumptive use permits with regard to preserving or restoring the natural resources shall include:

(a) No harm to wetland systems occurs;

(b) Established minimum flows and levels criteria contained in District rules are met;

(c) Water that has been allocated or reserved for the natural system by the District under this chapter is not allocated to consumptive uses;

(d) Consistency with the restoration, preservation and protection objectives of the Everglades Restoration is achieved; and

(e) Consistency with the restoration, preservation and protection objectives of the water resource projects which the District has been established as local sponsor per Section 373.1501, F.S., is achieved.

(4) The purpose of this chapter is to:

(a) Identify the criteria and implementation authorities used to protect the natural system from consumptive uses.

(b) Identify the natural system waters protected, and

(c) Define the volume and timing of waters reserved from allocation for the natural system, where applicable.

(5) The waters for the natural systems pursuant to this chapter are based on best available information and public policy that has been expressed by legislation and governing board direction and may be periodically reviewed as a result of

new information or changing public policy. The District shall amend this chapter consistent with the provision contained in Section 120.54, F.S.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

40E-10.021 Definitions.

(1) CERP Project Component(s) – Any structural or operational change, resulting from the Restudy, to the Central and Southern Florida Project as it existed and was operated as of January 1999.

(2) Fakahatchee Estuary – Waters that occur within the Ten Thousand Islands region include the following river/bay systems, from west to east (Figure 4): Royal Palm Creek/Palm Bay, Blackwater River/Blackwater Bay, Whitney River/Buttonwood Bay, Pumpkin River/Pumpkin Bay, Wood River, Little Wood River and Faka Union Canal/Faka Union Bay, and Fakahatchee Bay.

(3) Natural system – An ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitat, water quality enhancement and water storage.

(4) Picayune Strand – The lands and waters that occur within the boundaries located southwest of the Florida Panther National Wildlife Refuge (NWR), north of the Ten Thousand Islands NWR, east of the South Belle Meade State Conservation and Recreation Lands (CARL) Project, west of the Fakahatchee Strand Preserve State Park, and northeast of Collier-Seminole State Park and Rookery Bay National Estuarine Research Preserve.

(5) Prospective reservation – A reservation of water in such locations and quantities, and for such seasons of the year, required for the protection of fish and wildlife or the public health or safety that is anticipated to be made available through the completion of a project(s) or change in operation of a water management system. When water is reserved prospectively the quantities that are anticipated to become available shall be identified in Rule 40E-10.421, F.A.C., along with a description of how the reserved quantities will be adjusted if the actual water made available is different than the quantities identified in the prospective reservation.

(6) State priority ecosystems – Ecosystems which have been specifically identified by state statute for protection or restoration as part of the public interest and are identified in Rule 40E-10.321, F.A.C., for the purposes of protecting waters for the natural system from consumptive use.

(7) Water reservation – Water that is withheld from allocation in such locations and quantities, and for such seasons of the year, required for the protection of fish and wildlife or the public health or safety for a specific water body as defined within Rule 40E-10.421, F.A.C. A reservation of water can be adopted prospectively.

(8) Wetlands – Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

40E-10.031 Permit Criteria for the Protection of the Natural System.

(1) The Governing Board shall regulate consumptive uses in a manner that is consistent with the provision of water in such locations and quantities and for such seasons of the year as is needed to prevent harm to natural systems, aid in the restoration of harmed/non-sustainable natural systems and otherwise needed for the protection of fish and wildlife. Applicants for consumptive use permits shall meet the requirements of this rule by providing reasonable assurances the criteria in paragraph 40E-2.301(1)(c), F.A.C., is met. The Governing Board shall impose such reasonable conditions on consumptive use permits as are necessary to assure that such use is consistent with the objectives of this chapter along with other permit criteria of the District. Minimum flows and levels (MFLs) are established by rule for specified priority water bodies that have been designated pursuant to Section 373.042(2), F.S. The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., and implemented through the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., and Section 3.9 of the Water Use Basis of Review are components for the prevention of significant harm to the water resources and ecology of the District.

(2) The Governing Board or Executive Director may by order, declare a water shortage when conditions are such as to require temporary reduction in total use within the area to protect water resources from serious harm. When considering whether to declare a water shortage, the District shall evaluate the potential for irreversible adverse impacts to fish and wildlife and the potential for an MFL exceedance during

climatic conditions more severe than a 1 in 10 year drought, to the extent consumptive uses contribute to such conditions per Chapters 40E-8 and 40E-21, F.A.C. During declared water shortages consumptive use permit holders will comply with the criteria contained in Chapters 40E-21 and 40E-22, F.A.C.

(4) Waters may be withheld from allocation or otherwise provided for the protection of the natural system under this rule for the purposes of:

(a) Maintain existing functions of sustainable natural systems.

(b) Prevent additional impacts to degraded natural systems.

(c) Aid in the restoration of harmed/non-sustainable natural systems.

(d) Protect public health and safety.

Applicants for consumptive use permits shall meet the requirements of this rule by providing reasonable assurances the criteria in paragraph 40E-2.301(1)(k), F.A.C., are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.175, 373.219, 373.223, 373.246 FS. History–New _____.

40E-10.221 Protected Natural Systems Water.

(1) Wetlands not specifically identified in Rule 40E-10.321 or 40E-10.421, F.A.C.: Waters for wetlands are protected from harmful consumptive use impacts through demonstrated compliance with the criteria contained in section 3.3 of the Water Use Basis of Review.

(2) State Priority Ecosystems: Water for State Priority Ecosystems identified in Rule 40E-10.321, F.A.C., below shall be protected from harmful consumptive use impacts through demonstrated compliance with the criteria contained in section 3.2.1 of the Water Use Basis of Review.

(3) CERP Project Components: Water for the protection or restoration of a natural system(s) associated with a CERP project components shall be protected from consumptive use withdrawals through demonstrated compliance with section 3.11 or 3.2.1. of the Water Use Basis of Review.

(4) Other Natural Systems Water Bodies: Water for the protection or restoration of a natural system(s) not identified in Rule 40E-10.321 or 40E-10.421, F.A.C., shall be protected from harmful consumptive use impacts through demonstrated compliance with section 3.11 or 3.2.1. of the Water Use Basis of Review.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

40E-10.321 State Priority Ecosystems.

The following state priority ecosystems are protected from consumptive uses as described in subsection 40E-10.221(2), F.A.C.:

(1) Lake Istokpoga as defined in subsection 40E-8.021(11), F.A.C.; criteria governing consumptive uses from this water body are contained in section 3.2.1. A. of the Water Use Basis of Review.

(2) Lower East Coast Everglades Waterbodies and Northern Palm Beach County/Loxahatchee River Watershed Waterbodies as defined in subsection 40E-8.021(12), F.A.C., and section 1.8 of the Water Use Basis of Review; criteria governing consumptive uses from this water body are contained in section 3.2.1.E. of the Water Use Basis of Review.

(3) Lake Okeechobee as defined in subsection 40E-8.021(12), F.A.C.; criteria governing consumptive uses from this water body are contained in section 3.2.1.G. of the Water Use Basis of Review.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

40E-10.421 Water Reservations.

(1) Water reservations defined in Rules 40E-10.431, .441, .451, .461 and .471, F.A.C. are established consistent with Section 373.233(4) F.S. and Rule 62-40.474, F.A.C.

(2) Water reservations may be established for protection or aid in the restoration of natural systems, public health and safety, or for water for the natural system associated with projects which are constructed and operated as part of Everglades Restoration.

(3) Such reservations shall be subject to periodic review at least every five year and revised if necessary in light of changed conditions or new information.

(4) Applicants for new or increased withdrawals shall demonstrate that the proposed withdrawals are consistent with this section by providing reasonable assurances that waters reserved in Rules 40E-10.431, .441, .451, .461 and .471 F.A.C., at such locations, quantities and for such seasons of the year are not impacted by the proposed use.

(5) Existing legal uses of water that impact the waters reserved in Rules 40E-10.431, .441, .451, .461 and .471, F.A.C., shall be protected unless such use is determined by the Governing Board to be contrary to the public interest.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

40E-10.431 Water Reservation Areas: Lower West Coast Planning Area.

(1) Picayune Strand as defined in Rule 40E-10.021, F.A.C.:

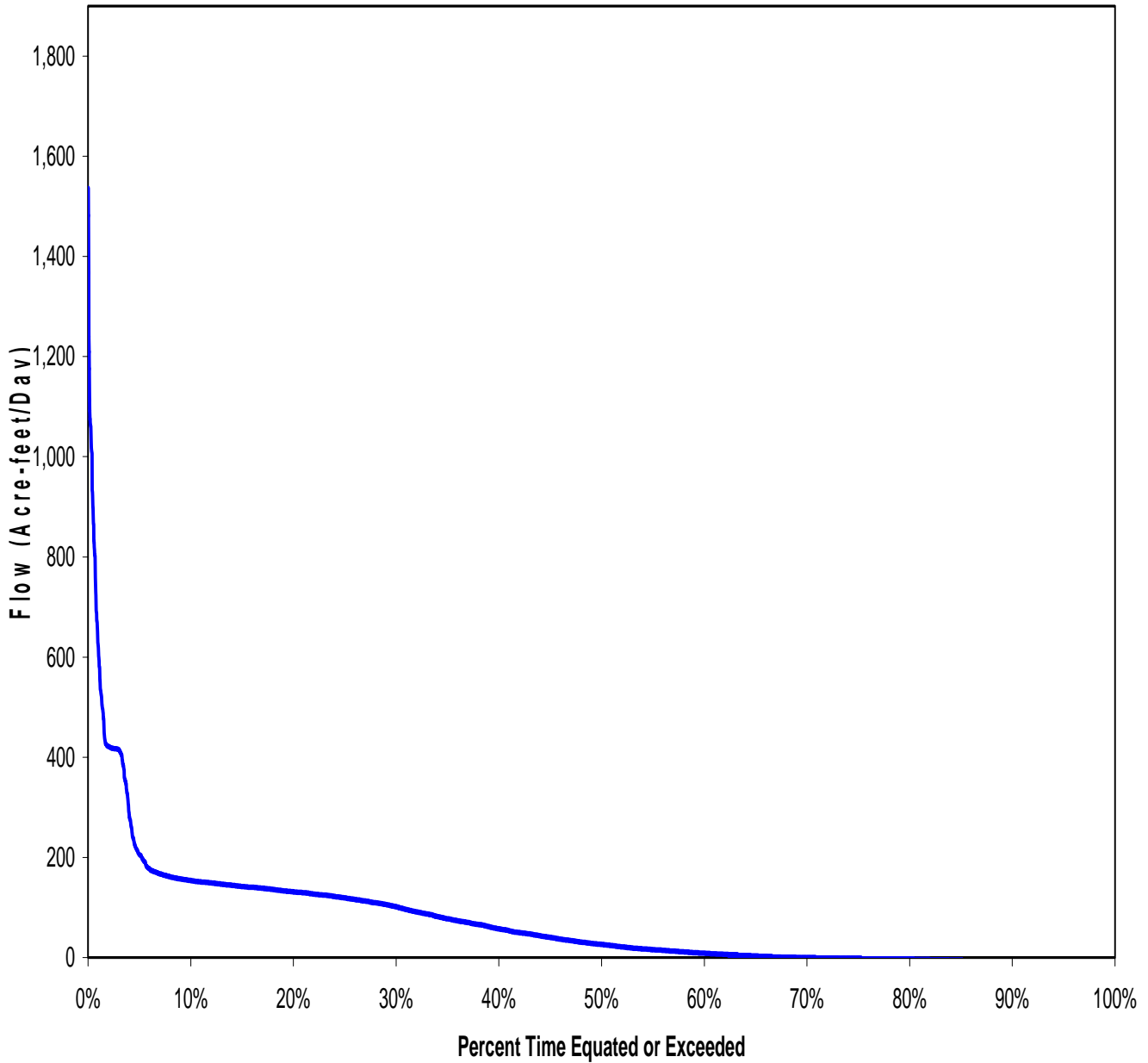
(a) Surface waters:

1. The surface water flows within the Miller Canal at I-75 [structure id number] as depicted on Figure 10.1 are reserved from allocation.

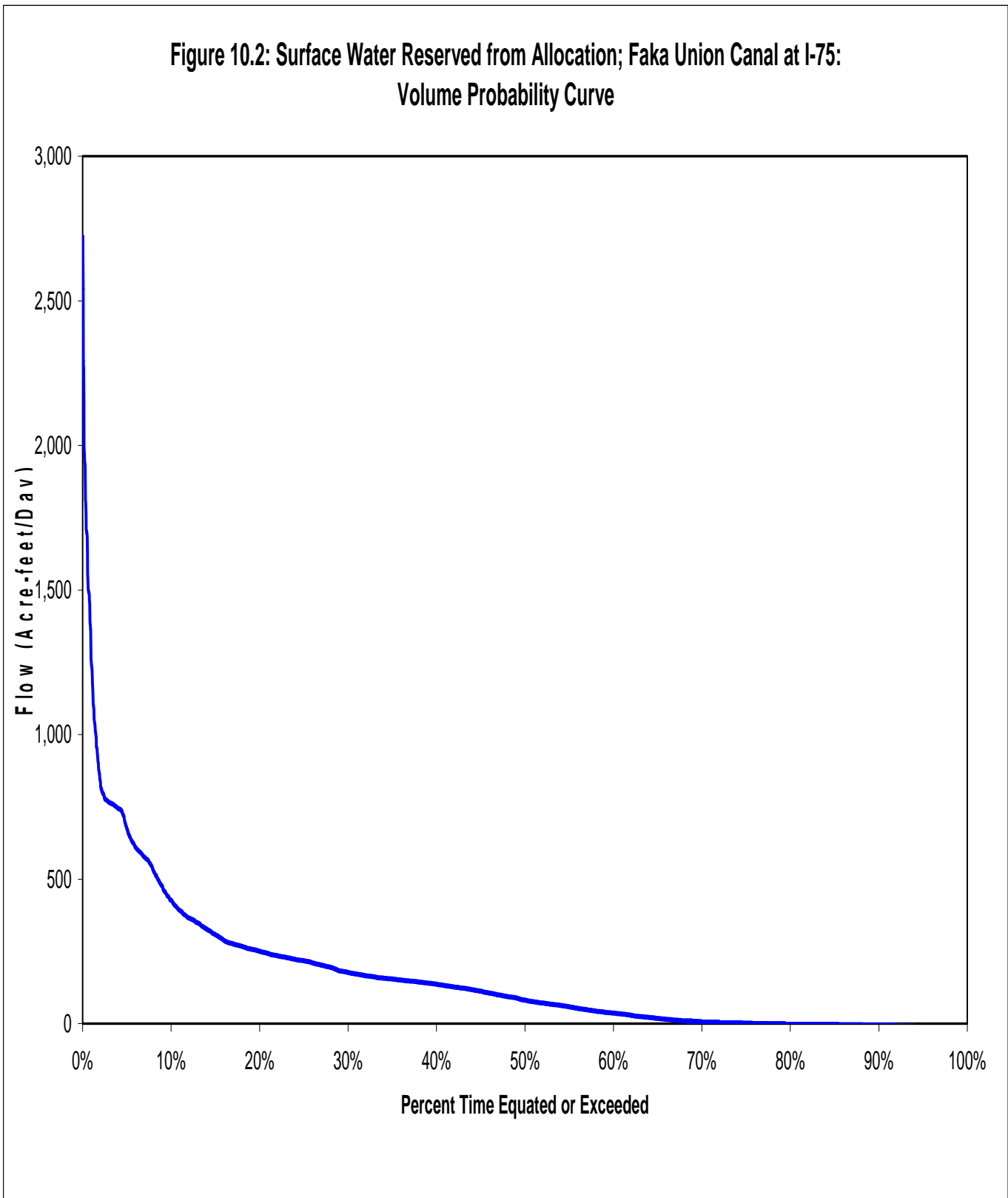
2. The surface water flows within the Faka Union Canal at I-75 [structure id number] as depicted on Figure 10.2 are reserved from allocation.

3. The surface water flows within the Merritt Canal at I-75 [structure id number] as depicted on Figure 10.3 are reserved from allocation.

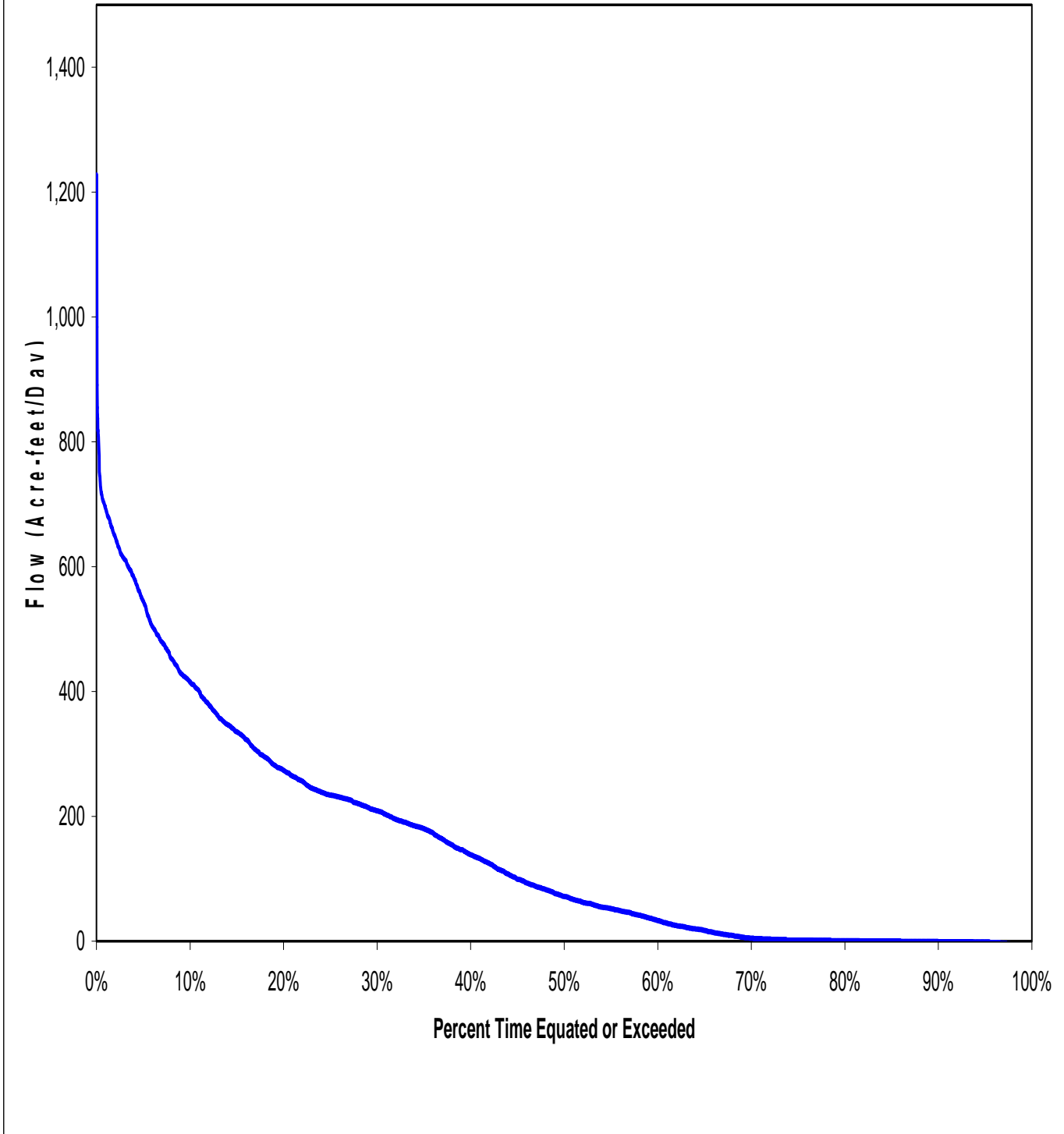
**Figure 10.1: Surface Water Reserved from Allocation; Miller Canal at I-75:
Volume Probability Curve**



**Figure 10.2: Surface Water Reserved from Allocation; Faka Union Canal at I-75:
Volume Probability Curve**



**Figure 10.3: Surface Water Reserved from Allocation; Merritt Canal at I-75
Volume Probability Curve**



(b) Groundwater:

1. All groundwater in the unconfined surficial aquifer system that occurs within the Picayune Strand is reserved from allocation.

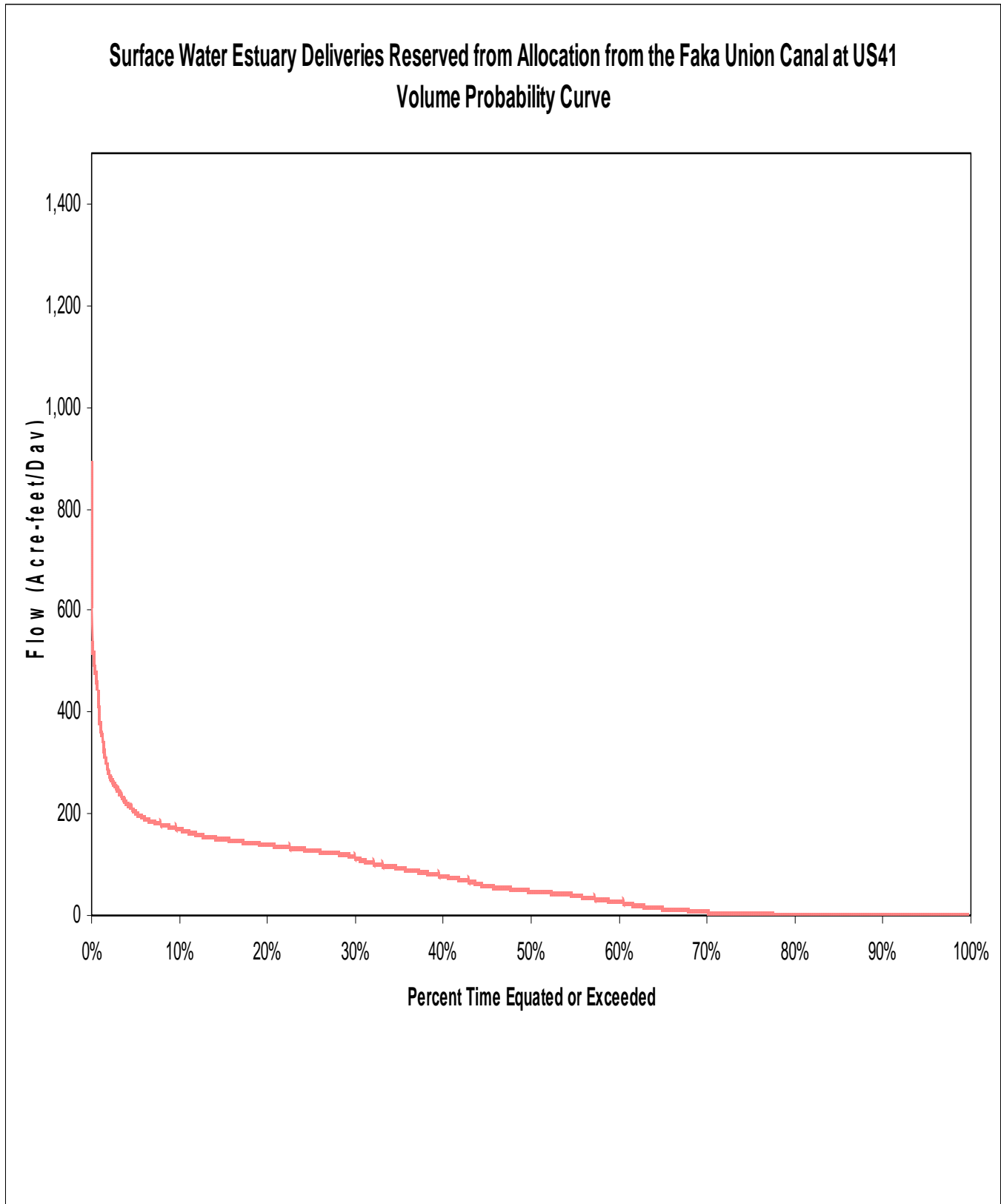
2. Groundwater that contributes to the surface water flows reserved in paragraph (a) of this section are reserved from allocation.

(2) Fakahatchee Estuary as defined in Rule 40E-10.021, F.A.C.

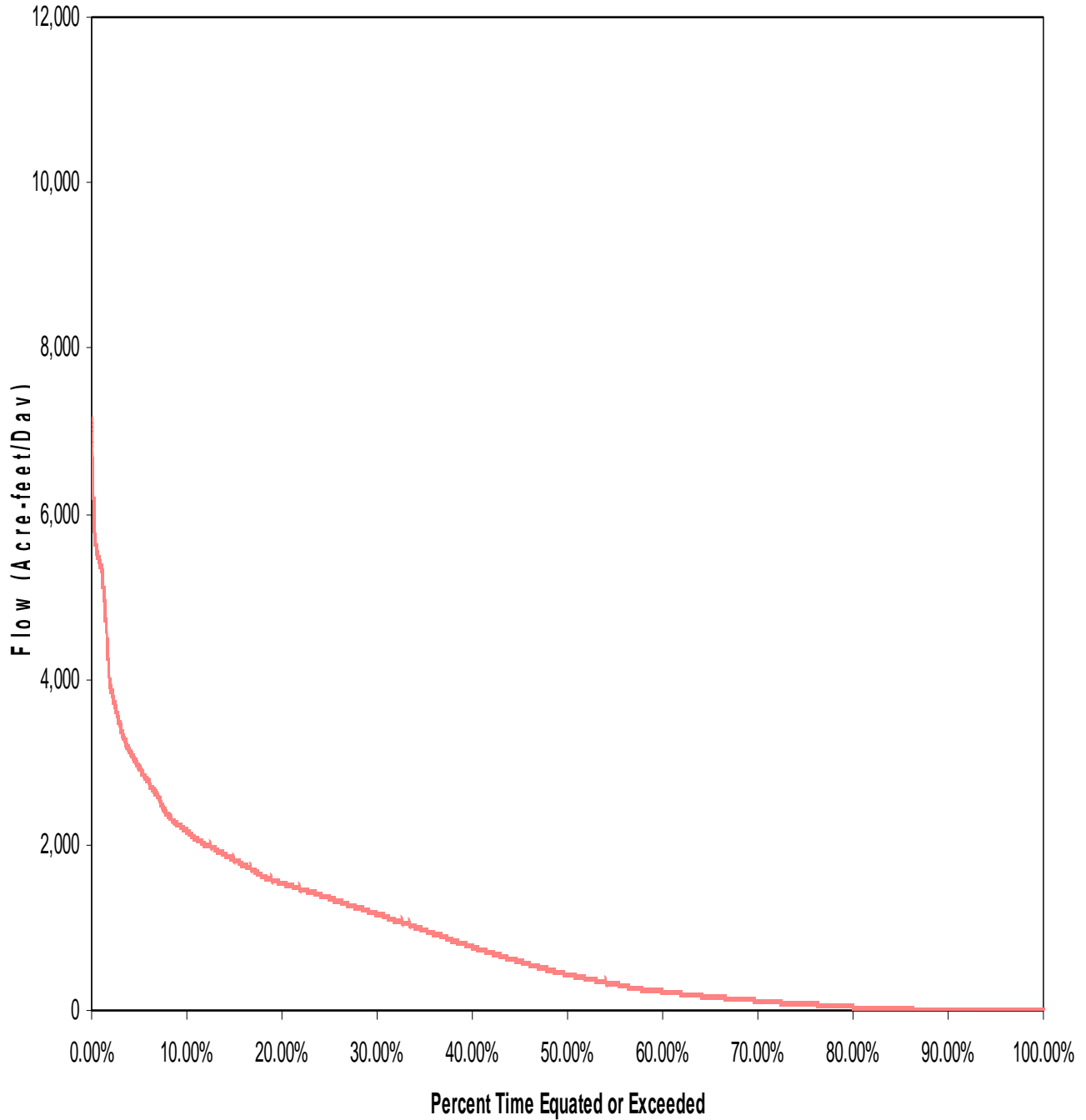
(a) Surface waters:

1. The surface water flows delivered from the Faka Union Canal at US 41 the as depicted on Figure 10.4 are reserved from allocation.

2. The surface water flows delivered from the Southern Transect at US 41 the as depicted on Figure 10.5 are reserved from allocation.



Surface Water Estuary Deliveries Reserved from Allocation Across South Transect: Volume Probability Curve



(b) Groundwater: Groundwater that contributes to the surface water flows reserved in paragraph (a) of this Rule are reserved from allocation.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS. History–New _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.331	Modification of General Water Use Permits

PURPOSE AND EFFECT: To identify the authorities and regulatory tools to be used to protect water from the natural system from consumptive uses and specifically define the volume and timing of water to be reserved from allocation for the Picayune Strand Restoration Project.

SUBJECT AREA TO BE ADDRESSED: The rule is to be applied to protect waters for the natural systems that occur within the boundaries of the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223, 373.229, 373.2295, 373.239, 373.470, 373.1501, 373.1502 FS.

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

DATE AND TIME: July 24, 2008, 1:00 p.m.
PLACE: Rookery Bay National Estuarine Research Reserve, 300 Tower Road, Naples, FL 34113

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Scott Burns, Director, Everglades Water Supply Policy, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6817 or (561)682-6817, email: sburns@sfwmd.gov; Brenda Mills, Lead Planner, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 4208 or

(561)682-4208, email:bmills@sfwmd.gov; Beth Lewis, Senior Supervising Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6343 or (561)682-6343, email:belewis@sfwmd.gov. For procedural questions: Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6299 or (561)682-6299, email:jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-20.091 Publications Incorporated by Reference.
 The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, _____.

(See the notice herein for Rule 40E-2.091, F.A.C., for proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – February 13, 2008”)

40E-20.301 Conditions for Issuance of General Water Use Permits.

- (1)(a) through (j) No change.
- (k) Is consistent with waters reserved for the protection of fish and wildlife or the public health and safety pursuant to the provisions in Section 373.223, F.S., this chapter and Chapter 40E-10, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.036, 373.042, 373.103(4), 373.2295, ~~373.118~~, 373.223, 373.229, 373.470, 373.1501, 373.1502 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 2-13-08, _____.

40E-20.302 Types of General Water Use Permits.

- (1) through (3) No change.
- (4) Dewatering conducted under subsections (2) and (3) which involve waters that are reserved from allocation pursuant to Rule 40E-10.431 F.A.C. are consistent with paragraph 40E-20.301(1)(k), F.A.C. so long as all dewatering water is kept on site.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03, 4-23-07, 2-13-08, _____.

40E-20.331 Modification of General Water Use Permits.

(1) through (2) No change.

(3)(a) Modification of an existing general water use permit shall be approved by letter, provided the permit is in compliance with all applicable limiting conditions and the modification request:

1. Does not exceed the applicable general permit allocation limitations in Rule 40E-20.302, F.A.C.;

2. Does not result in a requested permit duration which exceeds the expiration date of the existing permit, except that when the permit duration is based upon the current lease expiration date, the permit duration may be extended by letter modification to the new lease date, but shall not exceed the applicable permit duration pursuant to subsection 40E-20.321(2), F.A.C.;

3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, does not result in the use of water reserved from allocation, or does not otherwise raise issues requiring a Staff determination of whether harm to the water resources would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District,” incorporated by reference in Rule 40E-20.091, F.A.C.;

4. Does not change the permitted withdrawal source; and

5. Does not result in a modification of the permit which must be approved by the Governing Board pursuant to Section 373.239(2), F.S.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03, 4-23-07, 2-13-08,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-15.001 Qualification for Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment to address experience verification for certification.

SUBJECT AREA TO BE ADDRESSED: Experience verification for qualification for certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NOS.: RULE TITLES:

61G4-18.002 Definitions

61G4-18.004 Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendments to address continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Definitions and approval of continuing education courses.

SPECIFIC AUTHORITY: 455.213(6), 455.2123, 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.213, 455.2177, 455.2178, 455.2179, 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-302.200 Definitions

62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters

62-302.500 Surface Waters: Minimum Criteria, General Criteria

62-302.520 Thermal Surface Water Criteria

- 62-302.530 Table: Surface Water Quality Criteria
- 62-302.540 Water Quality Standards for Phosphorus Within the Everglades Protection Area
- 62-302.700 Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters
- 62-302.800 Site Specific Alternative Criteria

PURPOSE AND EFFECT: The Department is initiating its Triennial Review of state surface water quality standards as required by the Federal Clean Water Act. Proposed revisions to a number of rules in both Chapters 62-302 and 62-303, Florida Administrative Code (F.A.C.), are under consideration, but all surface water quality standards, including those within other F.A.C chapters, are part of the Triennial Review and are subject to possible revision. Proposed amendments within Chapter 62-302, F.A.C., include: (1) establishment of biological health criteria, (2) revision of human health-based water quality criteria, (3) establishment of criteria for un-ionized ammonia in marine waters, (4) revision of criteria for specific conductance, (5) listing of all site specific alternative criteria in Rule 62-302.800, F.A.C., (6) revision of criteria for transparency, (7) revisions of definitions for Predominantly Fresh Waters and Predominantly Marine Waters, (8) clarification of the upstream extent of Class II waters, and (9) establishment of numeric nitrate criteria for spring vents and boils.

SUBJECT AREA TO BE ADDRESSED: Rule development addresses all surface water quality standards, including those within Chapter 62-302, F.A.C.

SPECIFIC AUTHORITY: 373.043, 373.4592, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.414, 373.4592, 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.201, 403.502, 403.504, 403.702, 403.708, 403.802 FS.

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

DATE AND TIME: July 23, 2008, 9:00 a.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: July 30, 2008, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Conference Rooms A and B, Orlando, 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 five days before the workshop/meeting by contacting: Eric Shaw, Bureau of Standards and Special Projects, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8429. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Bureau of Standards and Special Projects, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8429, e-mail Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.100	Scope and Intent
62-303.150	Relationship Between Planning and Verified Lists
62-303.200	Definitions
62-303.300	Methodology to Develop the Planning List
62-303.310	Evaluation of Aquatic Life Use Support
62-303.320	Exceedances of Aquatic Life-Based Water Quality Criteria
62-303.330	Biological Assessment
62-303.340	Toxicity
62-303.350	Interpretation of Narrative Nutrient Criteria
62-303.351	Nutrients in Streams
62-303.352	Nutrients in Lakes
62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.360	Primary Contact and Recreation Use Support
62-303.370	Fish and Shellfish Consumption Use Support
62-303.380	Drinking Water Use Support and Protection of Human Health
62-303.400	Methodology to Develop the Verified List
62-303.410	Determination of Aquatic Life Use Support
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment
62-303.430	Biological Impairment
62-303.440	Toxicity
62-303.450	Interpretation of Narrative Nutrient Criteria
62-303.460	Primary Contact and Recreation Use Support
62-303.470	Fish and Shellfish Consumption Use Support

62-303.480	Drinking Water Use Support and Protection of Human Health
62-303.500	Prioritization
62-303.600	Evaluation of Pollution Control Mechanisms
62-303.700	Listing Cycle
62-303.710	Format of Verified List and Verified List Approval
62-303.720	Delisting Procedure
62-303.810	Impairment of Interstate and Tribal Waters

PURPOSE AND EFFECT: The Department is initiating its Triennial Review of state surface water quality standards as required by the Federal Clean Water Act. Proposed revisions to a number of rules in both Chapters 62-303 and 62-302, Florida Administrative Code (F.A.C), are under consideration, but all surface water quality standards, including those within other F.A.C. chapters, are part of the Triennial Review and are subject to possible revision. Proposed amendments within Chapter 62-303, F.A.C., include: (1) establishment of biological health assessment impairment thresholds, (2) establishment of impairment threshold for fish/shellfish tissue methylmercury levels, (3) new definition for Predominantly Fresh Waters and revision of definition for Predominantly Marine Waters, and (4) addition of prioritization criteria for biological health assessments.

SUBJECT AREA TO BE ADDRESSED: Rule development addresses all surface water quality standards, including those within Chapter 62-303, F.A.C.

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: July 23, 2008, 9:00 a.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: July 30, 2008, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Conference Rooms A and B, Orlando, 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 five days before the workshop/meeting by contacting: Eric Shaw, Bureau of Standards and Special Projects, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Bureau of Standards and Special Projects, MS 3560, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; telephone (850)245-8429, e-mail Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.010	Residential Case Management Services
63E-7.011	Delinquency Intervention and Treatment Services

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUBJECT AREA TO BE ADDRESSED: The rule sections address the provision of case management services within a residential program, including the function of the multidisciplinary intervention and treatment team. All aspects of case management are covered, from initial assessment, through performance planning and review, and concluding with transition planning prior to release. Delinquency intervention and treatment services are also addressed, including the provision of delinquency intervention services to address criminogenic needs, and treatment services for physical, mental health and substance abuse.

SPECIFIC AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601(3)(a) FS.

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

DATE AND TIME: Tuesday, July 22, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0144
 RULE TITLE: Public Hurricane Loss Projection Model-Fee Schedule

PURPOSE AND EFFECT: To implement section 16 of Chapter 2008-66, Laws of Florida to establish a fee schedule for use of the Public Hurricane Loss Projection Model by Residential Property Insurers.

SUBJECT AREA TO BE ADDRESSED: Fee schedule for use of the Public Hurricane Loss Projection Model.

SPECIFIC AUTHORITY: 627.06281 FS.

LAW IMPLEMENTED: 627.06281 FS.

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

DATE AND TIME: July 22, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephen Fredrickson, Assistant General Counsel, Office of Insurance Regulation, E-mail steve.fredrickson@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephen Fredrickson, Assistant General Counsel, Office of Insurance Regulation, E-mail steve.fredrickson@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-40.002	Adoption of Forms
69V-40.031	Application Procedure for Mortgage Broker License
69V-40.051	Application Procedure for Mortgage Brokerage Business License
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.220	Application Procedure for Correspondent Mortgage Lender License

PURPOSE AND EFFECT: The rules are being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokering and Mortgage Lending/Fingerprint Processing Fees.

SPECIFIC AUTHORITY: 215.405, 494.0011(2), 494.0031(2), 494.0061(3), 494.0062, 494.0065(3) FS.

LAW IMPLEMENTED: 120.60, 494.001(30), 494.0025, 494.0031, 494.0033, 494.0035, 494.004(6), 494.0041, 494.0042, 494.0061, 494.0062, 494.0065, 494.0067 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, greg.oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.002 Adoption of Forms.

(1) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rules 69V-40.001-.290, Florida Administrative Code:

(a) Application for Mortgage Brokerage Business and Lender License, Form OFR-494-01, effective ~~March 23, 2008~~ _____

(b) No change.

(c) Application for Licensure as a Mortgage Broker, Form OFR-494-03, effective ~~March 23, 2008~~ _____

(d) through (m) No change.

(2) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.0025, 494.0041, 494.0042 FS. History–New 3-23-08, Amended _____.

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) through (c) No change.

(d) A nonrefundable fingerprint card processing fee of ~~\$43.25~~ ~~\$42.25~~;

(e) through (f) No change.

(2) through (9) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended 5-24-05, 3-23-08,_____.

69V-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a ~~\$43.25~~ ~~\$42.25~~ nonrefundable processing fee.

(a) If any ultimate equitable owner of 10% or greater interest, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, control person, member, partner, joint venturer, of the applicant holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership interest or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0031(2) FS. Law Implemented 494.0031, 494.0035, 494.004(6) FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-11-03, Formerly 3D-40.051, Amended 3-23-08,_____.

69V-40.100 Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, director, control person, member, partner, or joint venturer of an entity applying for licensure as a mortgage lender licensed pursuant to the savings clause, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a ~~\$43.25~~ ~~\$42.25~~ nonrefundable processing fee.

(a) If the individual owner, director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, principal representative, control person, member, partner, or joint venturer holds an active mortgage broker's license with the Office of Financial Regulation, he or she is exempt from the provisions of subsection (2).

(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (7) No change.

Specific Authority 494.0011(2), 494.0065(3) FS. Law Implemented 120.60, 494.001(30), 494.0061(1), (3), (8), 494.0065, 494.0067(3), (4) FS. History—New 8-24-93, Amended 9-3-95, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.100, Amended 3-23-08,_____.

69V-40.200 Application Procedure for Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a ~~\$43.25~~ ~~\$42.25~~ nonrefundable processing fee.

(a) If any ultimate equitable owner of 10% or greater interest, principal representative, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint

venturer, or director of the applicant holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0061(3) FS. Law Implemented 494.0061, 494.0067(4) FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.200, Amended 3-23-08,_____.

69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a \$43.25 ~~\$42.25~~ nonrefundable processing fee.

(a) If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).

(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.

(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.

(3) through (8) No change.

Specific Authority 215.405, 494.0011(2), 494.0062(3), (8), (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 3-23-08,_____.

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.102	Application Forms, Procedures and Requirements

PURPOSE AND EFFECT: The rule is being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Money Transmitter Regulation/Fingerprint Processing Fees.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) through (2) No change.

(3)(a) All applicants for registration must file a completed application Form OFR-560-01, Application to Register as a Money Transmitter, effective _____ ~~7/15/07~~, which is hereby incorporated by reference.

(a) through (c) No change.

(4) No change.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all

controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z), effective 7/15/07, which is hereby incorporated by reference, accompanied by a nonrefundable \$43.25 ~~\$42.25~~ processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (10) No change.

Specific Authority 215.405, 560.105, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07, 6-17-08,_____.

FINANCIAL SERVICES COMMISSION

Securities

<p>RULE NOS.: 69W-600.002</p> <p>69W-600.006</p>	<p>RULE TITLES: Application for Registration as Associated Person Associated Persons' Fingerprints</p>
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PURPOSE AND EFFECT: The rules are being amended to increase fingerprint processing fees from \$42.25 to \$43.25. The current fee of \$42.25 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. During the 2008 regular session, the Florida Legislature passed Senate Bill 1792. This bill was signed into law (Chapter 2008-112, Laws of Florida) by Governor Crist on June 10, 2008. Effective July 1, 2008, the Florida Department of Law Enforcement will be increasing its fingerprint processing fee to \$24 as required by Section 1 of Chapter 2008-112, Laws of Florida, which amends Section 943.053(3)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation/Fingerprint Processing Fees.

SPECIFIC AUTHORITY: 517.03(1), 517.12(6) FS.

LAW IMPLEMENTED: 517.12(6), (7), (10), 517.1205 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Epting, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Financial Services. For dealers that are member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. through 4. No change.
5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$43.25 ~~\$42.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) No change.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07,_____.

69W-600.006 Associated Persons' Fingerprints. Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable \$43.25 ~~\$42.25~~ processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7),

F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07,_____.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

RULE NO.: 1-2.0031
RULE TITLE: Public Records Requests: Special Service Charge

PURPOSE AND EFFECT: This rule is being amended to change the way labor cost is calculated for special service charges for extensive public records requests.

The amended rule will make the calculation based on the actual cost of wages and benefits instead of the pay grade of the personnel providing the service. This change is consistent with a recent opinion from the Second District Court of Appeal which held that the cost of labor used in calculating special service charges for responding to extensive public records requests may include both salary and benefits.

The rule amendment also specifies that the calculation of wages and benefits must be based on the lowest paid personnel who has the necessary skill and training to perform the public records request.

SUMMARY: This rule is being amended to change the way labor cost is calculated for special service charges for extensive public records requests.

The amended rule will make the calculation based on the actual cost of wages and benefits instead of the pay grade of the personnel providing the service. This change is consistent with a recent opinion from the Second District Court of Appeal which held that the cost of labor used in calculating special service charges for responding to extensive public records requests may include both salary and benefits.

The rule amendment also specifies that the calculation of wages and benefits must be based on the lowest paid personnel who has the necessary skill and training to perform the public records request.

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

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

SPECIFIC AUTHORITY: 20.10(3), 119.07(4)(d) FS.

LAW IMPLEMENTED: 119.07(4) 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: July 28, 2008, 10:00 a.m.

PLACE: 500 S. Bronough St., Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Gotfredson, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0031 Public Records Requests: Special Service Charge.

(1) When a public records request is of the nature described in Section 119.07(4)(d), F.S., the following will apply:

(a) The term "extensive" means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (b) and (c) below.

(b) The term "clerical or supervisory assistance" includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(c) The term "use of information technology resources" includes the setup and implementation of ~~an~~ information technology defined in Section 282.0041(10) ~~282.0041(7)~~, F.S.

(2)(a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the cost of wages and benefits of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request ~~current pay grade of the personnel who performed the service~~. The special service charge shall be in addition to the duplication charge as provided in Sections 119.07(4)(a) and (b), F.S., and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to