

management district projects included in the following year's application for coastal zone management funds pursuant to the Act.

Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Susan Goggin  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Michael Sole  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE NOS.:	RULE TITLES:
5I-7.002	Definitions
5I-7.004	Application Procedures and Requirements
5I-7.007	Ranking, Review and Approval of Priority Acquisition List
5I-7.011	Board Action
5I-7.012	Closing
5I-7.014	Compliance, Monitoring and Enforcement

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 32, August 8, 2008 issue of the Florida Administrative Weekly.

5I-7.001 No change.

5I-7.002 Definitions.

(1) through (4) No change.

(5) "Baseline Documentation Report" means a report used for long term perpetual easement monitoring that documents existing conditions at the time of execution of the easement, such as surface and minerals ownership, improvements, and land uses. The report also documents conservation values protected by the perpetual easement, including but not limited to agriculture, significant natural areas, water resources, and wildlife habitat.

(6) through (18) No change.

(19) "Supplemental Standards" means ~~the most current version of~~ the Supplemental Appraisal Standards for Board of Trustees Land, which contains appraisal requirements that establish public policy and add to the standard appraisal procedures and practices of the appraisal profession for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, dated April 14 ~~18~~, 2008, incorporated by reference and available on the internet at: <http://www.dep.state.fl.us/lands/appraisal/> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399-3000 or by phone at (850) 245-2658 or by fax at (850) 245-2668.

(20) through (22) No change.

5I-7.003 No change.

5I-7.004 Application Procedures and Requirements.

(1) For purposes of Sections 259.105(3)(i), 570.70(5) and 570.71, F.S., anyone submitting an application for consideration of a project under this rule shall utilize form DACS-11207, Rural & Family Lands Protection Program Application, ~~06/08~~ 08/08, hereby incorporated by reference. Copies are immediately available on the internet at: [http://www.fl-dof.com/forest\\_management/rural\\_family\\_lands\\_index.html](http://www.fl-dof.com/forest_management/rural_family_lands_index.html) ~~http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/~~ or by sending a request to: Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, FL 32399-1650.

(2) No change.

(3) The Department shall accept applications on an ongoing basis that will be reviewed during the application review cycle in which they are received.

(4) Not less than once per year the Department shall publish a Notice of Application Review Cycle with a date by which all applications must be received. All notices shall be published in the Florida Administrative Weekly, and ~~post~~ available on the internet at: [http://www.fl-dof.com/forest\\_management/rural\\_family\\_lands\\_index.html](http://www.fl-dof.com/forest_management/rural_family_lands_index.html) ~~http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/~~ no less than 45 days prior to the application review cycle deadline.

(5) No change.

5I-7.005 and 5I-7.006 No change.

5I-7.007 Ranking, Review and Approval of Priority Acquisition List.

(1) through (8) No change.

(9) Upon approval of the priority list by the Board and subject to the availability of funds, the Department may proceed with the acquisition process for perpetual easements, including appraisals, survey and title review.

(10) through (11) No change.

5I-7.008, 5I-7.009 and 5I-7.010 No change.

5I-7.011 Board Action.

(1) through (2) No change.

(3) The Department shall obtain authorization from the Board prior to purchase, and pursuant to the provisions of Chapters 570 and 259, F.S., for all acquisitions of land, title to which will vest in the Board.

5I-7.012 Closing.

(1) No change.

(2) The Department shall obtain all disclosures of beneficial interest required in Section 286.23, F.S., before submitting a purchase instrument to the Board for approval. All other disclosures, including those required by Sections 375.031(1) and 380.08(2), F.S., shall be obtained prior to closing. The following information shall also be included in the statement obtained from ~~supplied by~~ the owner prior to closing:

(a) through (c) No change.

(3) through (4) No change.

5I-7.013 No change.

5I-7.014 Compliance, Monitoring and Enforcement.

(1) through (3) No change.

(4) The Department shall monitor all perpetual easements utilizing form DACS-11208, RURAL & FAMILY LANDS PROTECTION PROGRAM EASEMENT MONITORING FORM, 08/08 ~~06/08~~, hereby incorporated by reference and immediately available on the internet at: [http://www.fl-dof.com/forest-management/rural family lands index.html](http://www.fl-dof.com/forest-management/rural-family-lands-index.html) ~~http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/~~ or by sending a request to: the Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, FL 32399-1650

~~(5) In the event the owner of the property changes the type of agricultural use of the property, the Department shall update the Baseline Documentation Report to reflect the new agricultural use. All other provisions of the easement shall remain in full force and effect.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ The Department shall review all monitoring reports for compliance with monitoring specifications utilizing form DACS-11209, RURAL & FAMILY LANDS PROTECTION PROGRAM EASEMENT MONITORING REVIEW, 08/08 ~~06/08~~,

hereby incorporated by reference and immediately available on the internet at: [http://www.fl-dof.com/forest management/rural family lands index.html](http://www.fl-dof.com/forest-management/rural-family-lands-index.html) ~~http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/~~ or by sending a request to: Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, FL 32399-1650.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-86.001	Purpose
14-86.002	Definitions
14-86.003	Exemptions, Permit, and Assurance Requirements
14-86.004	Permit Application Procedure
14-86.005	General Conditions for a Drainage Permit
14-86.006	Permit and Exception, Suspension or Revocation
14-86.007	Forms
14-86.008	Recovery of Fines, Penalties, and Costs

**NOTICE OF PUBLIC HEARING**

The Department of Transportation announces additional rule hearings.

DATE AND TIME: October 8, 2008, 2:00 p.m.

PLACE: Department of Transportation, District 4, Broward Operations 5548 N.W. 9th Avenue, Ft. Lauderdale, Florida 33309

DATE AND TIME: October 9, 2008, 2:00 p.m.

PLACE: Department of Transportation, District 5, Orlando Maintenance, 420 W. Landstreet Road, Orlando, Florida 32824

GENERAL SUBJECT MATTER TO BE DISCUSSED: These are follow up hearings to discuss the proposed amendments to Rule Chapter 14-86, F.A.C. The notice of rulemaking was published in Florida Administrative Weekly, Vol. 34, No. 18, dated May 2, 2008. The previous rulemaking hearing was held on May 27, 2008, at the date, time, and place listed in the notice of rulemaking.

For further information or a copy of the agenda, contact: Michael Shepard by e-mail at michael.shepard@dot.state.fl.us or review the rule draft and comments at the Roadway Design-Drainage website: <http://www.dot.state.fl.us/rddesign/dr/Rule14-86.htm>.

NOTE: These hearings are rescheduled. The previous notice, published in Vol. 34, No. 31, August 1, 2008, scheduled the hearings for September 8 and 9, 2008. However, these hearings were cancelled and rescheduled because of hurricane Ike.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.:                    RULE TITLE:  
40B-4.1140                    Limiting Conditions on Permits  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 30, July 25, 2008 issue of the Florida Administrative Weekly.

These changes reflect comments received from Joint Administrative Procedures Committee and were approved by the Governing Board of the Suwannee River Water Management District on September 9, 2008.

40B-4.1140(2)

~~(j) Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the district within 30 days of the inspection date. If required by Chapter 471, F.S., such inspection and report shall be made by an engineer.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only).

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                    RULE TITLE:  
40C-4.091                    Publications Incorporated by Reference

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

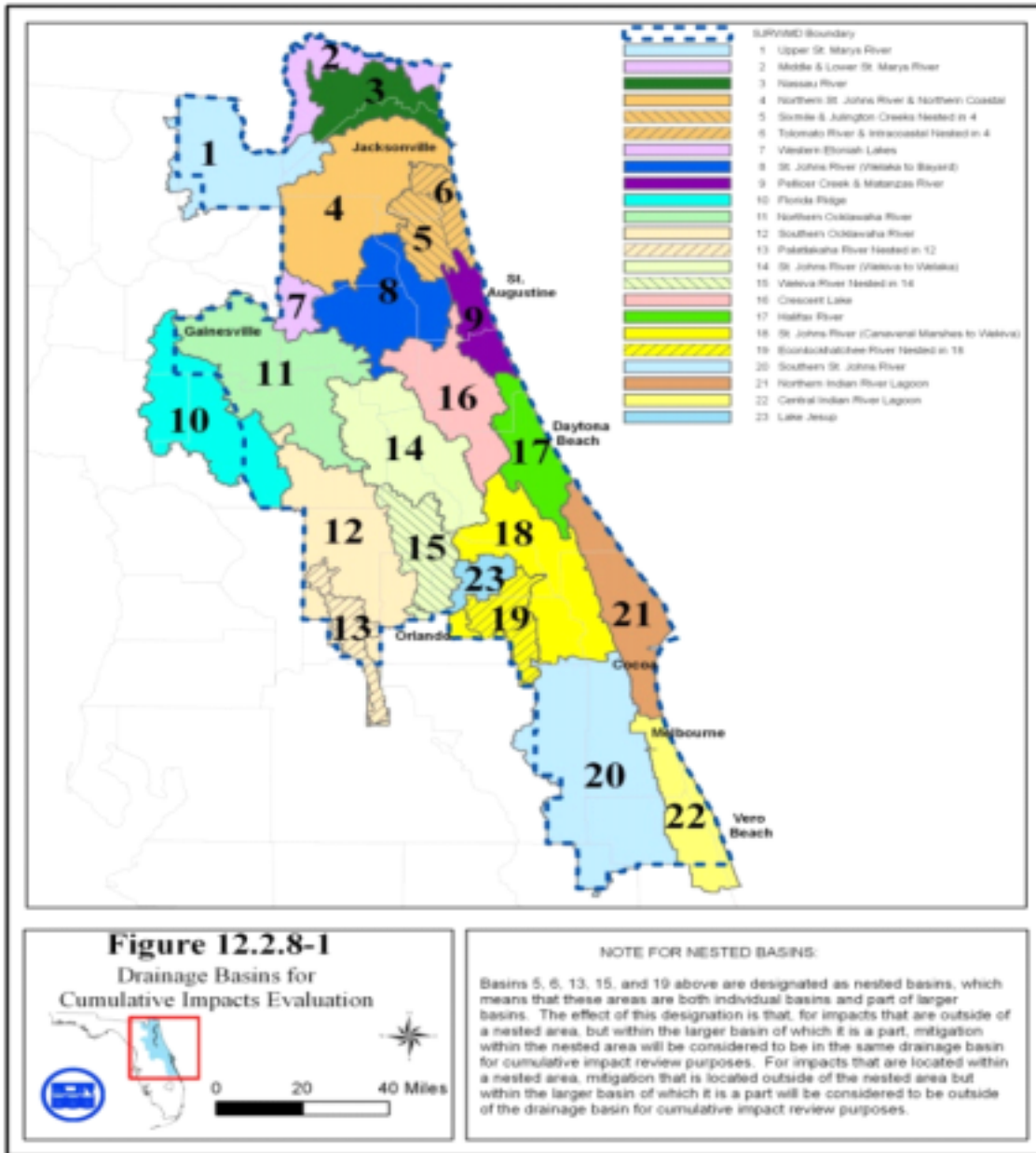
(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective            July 1, 2007.

(b) through (c) No change.

(2) No change.

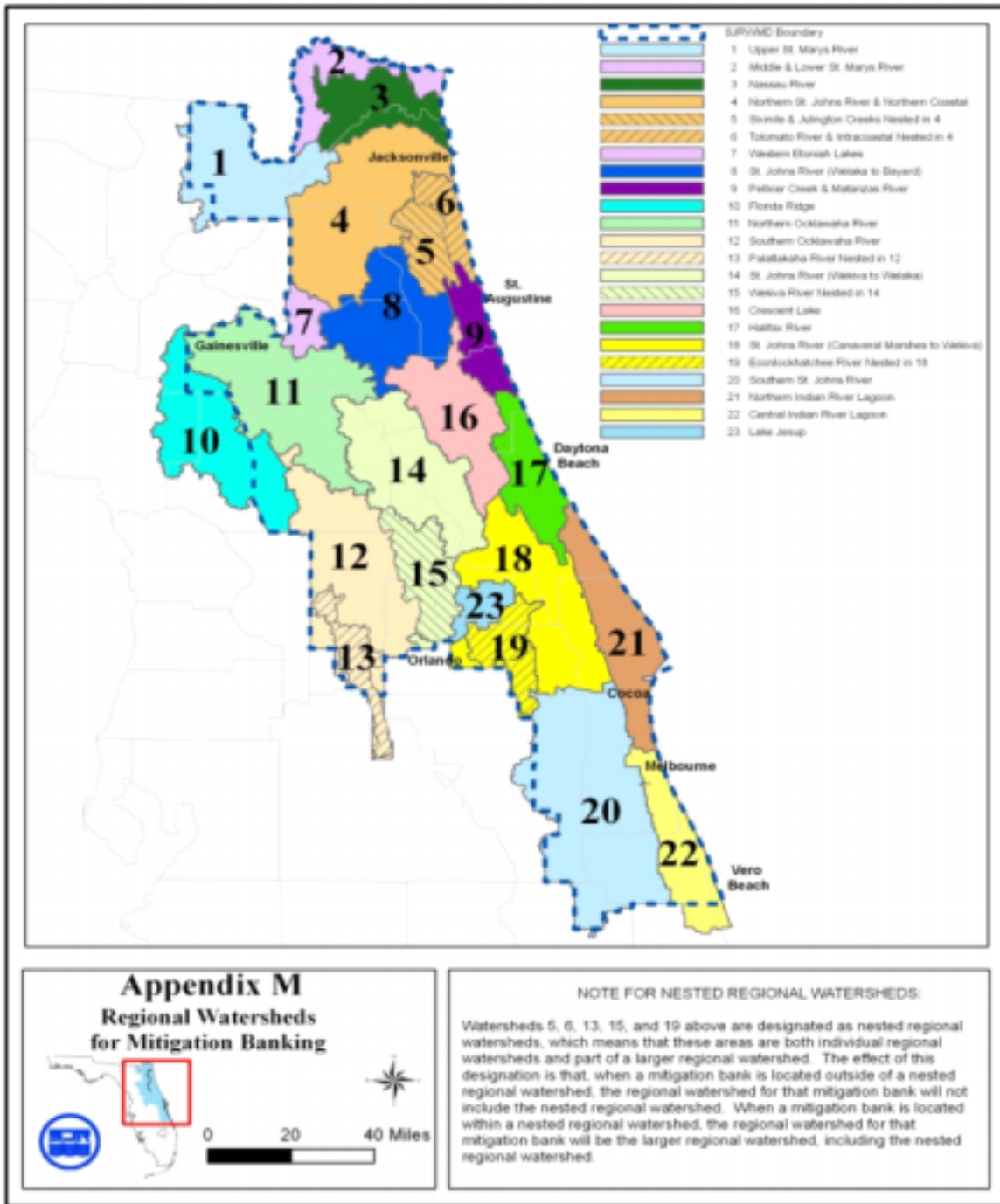
Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History-New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07,\_\_\_\_\_.

APPLICANT’S HANDBOOK SECTION:  
 (Substantial rewording and revisions to Figure 12.2.8-1)



Revised (effective date)

(Substantial rewording and revisions to Appendix M)



Revised (effective date)

REASON: The District has changed some of the drainage basin boundaries and regional watershed boundaries for Figure 12.2.8-1 and Appendix M, respectively. This change will make the basin/watershed boundary lines more accurate based on the best available information. This change to Figure 12.2.8-1 and Appendix M consists of the following:

1. In Southern Flagler County at basins/watersheds 16 (Crescent Lake) and 17 (Halifax River) – amending the boundary between 16 and 17 in the vicinity of the Plantation Subdivision, Strickland property, and Hull Cypress Swamp.
2. In Duval County at basins/watersheds 4 (Northern St. Johns River and Northern Coastal) and 6 (Tolomato River and Intracoastal Nested) – amending the boundary between 4 and 6 in the vicinity of Peach Drive and Beach Boulevard.
3. In Brevard County at basins/watersheds 20 (Southern St. Johns River) and 21 (North Indian River Lagoon) – deleting proposed changes (return to existing boundaries). Boundary line changes in this area will be addressed in the next round of rulemaking.
4. In Brevard County at basins/watersheds 20 (Southern St. Johns River) and 22 (Central Indian River Lagoon) – deleting proposed changes (return to existing boundaries). Boundary line changes in this area will be addressed in the next round of rulemaking.
5. In Brevard County at basins/watersheds 21 (North Indian River Lagoon) and 22 (Central Indian River Lagoon) – deleting proposed changes (return to existing boundaries). Boundary line changes in this area will be addressed in the next round of rulemaking.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
 40D-1.603                   Permit Application Procedures  
                                   NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 21, May 23, 2008 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated July 22, 2008, the District has made the following changes to amendments proposed for subsection (3) of Rule 40D-1.603, F.A.C., Permit Application Procedures:

40D-1.603 Permit Application Procedures.

(3) Persons who wish to be notified in writing or by electronic mail of receipt of permit applications affecting a particular geographic area shall notify the District in writing or by electronic mail, and shall specify their area of interest by county or by section, township and range. Persons may request to be notified by regular U.S. mail or by electronic mail. The

District shall, within 30 days of receipt of an application, provide by regular or electronic mail as requested, a notice of receipt of the application to any person who has filed a written or electronic mail request ~~within the immediately preceding six months~~ for notification of any pending applications affecting the particular designated area in which the activity is proposed. Persons electing to receive mailed notices of application shall be assessed a subscription fee to cover duplication and mailing costs as provided in subsection (14) below. ~~Requests for notification of receipt of applications shall expire after six months and may be renewed.~~

**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 FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.:                   RULE TITLE:  
 69A-3.012                   Standards of the National Fire  
                                   Protection Association and Other  
                                   Standards Adopted

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that a correction has been made to the publication of the above-captioned rules in the Florida Administrative Weekly on September 5, 2008, Vol. 34, No 36 edition. The Name of Agency Head who approved the proposed rule should have been, Alex Sink, Chief Financial Officer and State Fire Marshal. The date the Notice of Proposed Rule Development was Published in the FAW should have been August 22, 2008. The changes do not affect the proposed rules.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:                RULE TITLES:  
 69A-60.002                Scope; Description of Florida Fire  
                                   Prevention Code  
 69A-60.003                Standards of the National Fire  
                                   Protection Association, NFPA 1,  
                                   the Uniform Fire Code, Florida  
                                   2006 Edition, Adopted  
 69A-60.004                Standards of the National Fire  
                                   Protection Association, NFPA 101,  
                                   the Life Safety Code, Florida 2006  
                                   Edition, Adopted

69A-60.005 Publications Referenced in NFPA 1, the Florida 2006 Edition, and NFPA 101, the Florida 2006 Edition, Added to the Florida Fire Prevention Code

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 37, September 12, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that a correction has been made to the publication of the above-captioned rules in the Florida Administrative Weekly on September 5, 2008, Vol. 34, No. 36 edition. The name of Agency Head who approved the proposed rule should have been, Alex Sink, Chief Financial Officer and State Fire Marshal. The date the Notice of Proposed Rule Development was Published in the FAW should have been August 22, 2008. The changes do not affect the proposed rules.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE NO.: 69J-2.003  
 RULE TITLE: Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 15, April 11, 2008 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing, and the Joint Administrative Procedures Committee.

69J-2.003 Mediation Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms.

- (1) through (2) No change.
- (3) Notification of Right to Mediate; Procedures.
- (a) Responsibilities of the Insurer.

1. through 3. No change.

4. If, after receiving the information described in subsection (4)(a)1. and 2., below, the insurer has not rendered a decision regarding the reported hurricane loss within 90 days, the insurer shall mail a notification of right to mediate to the insured.

- 5. No change.
- (b) through (e) No change.

(4) Procedures for Requesting Mediation Request for Mediation.

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(877)MYFLCFO or (1(877)693-5236) ~~1(800)22-STORM (1(800)227-8676)~~; by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. Alternatively, an insured may request mediation prior to receipt of the notice of the right to mediation. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured's request for mediation. Upon such request, in order to be scheduled for mediation, the insured shall ~~should~~ provide the following information if known:

1. through 5. No change.

If an insurer receives a request for mediation, the insurer shall fax the request to the Department's Mediation Section within 48 hours of receipt of the request. The Department will forward requests to the Administrator within 24 hours of receipt of the request. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. In instances where the insured has requested mediation prior to receiving a notice of the right to mediation, and has provided the information described above, upon notification, the Administrator shall process the request for mediation no less than 21 days thereafter.

- (b) No change.
- (5) through (14) No change.

The remainder of the rule reads as previously published.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.: 69O-157.301  
 RULE TITLES: Rate Increase Standards  
 69O-157.302 Facility Only Rates  
 69O-157.303 Home Health Care Only Rates  
 69O-157.304 Comprehensive Only Rates

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 22, May 30, 2008 issue of the Florida Administrative Weekly has been withdrawn.