

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 **RULE TITLE:** Student Performance Standards
PURPOSE AND EFFECT: The purpose is to approve, by reference, the recently revised Sunshine State Standards and access points for students with significant cognitive disabilities in social studies, physical education, and health as Next Generation Sunshine State Standards.

SUMMARY: This rule is amended to approve, by reference, the recently revised Sunshine State Standards and access points for students with significant cognitive disabilities in social studies, physical education, and health as Next Generation Sunshine State Standards.

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: 1001.02 FS.

LAW IMPLEMENTED: 1001.03, 1003.41(2) FS.

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

DATE AND TIME: December 2, 2008, 8:30 a.m.

PLACE: Orlando Airport Hyatt, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Todd Clark, Chief, Bureau of Instruction and Innovation, Florida Department of Education, Todd.Clark@fldoe.org, (850)245-9868

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. Beginning with the 2008-2009 school year, the mathematics and science benchmarked standards for mathematics and science referenced below in paragraphs (1)(b) and (c), describe what students should know and be able to do at grade level progression from kindergarten to grade 8 and for each of the mathematics content areas of: algebra, calculus, discrete mathematics, financial literacy, geometry, probability,

statistics, and trigonometry, and each of the science content areas of: earth and space science, life science, physical science, and nature of science for grades 9-12. Beginning with 2009-2010, the health, physical education, and social studies benchmarked standards describe what students should know and be able to do at ten progression levels (grades K, 1, 2, 3, 4, 5, 6, 7, 8, 9-12). The benchmarked standards in paragraphs (1)(e)-(f)(d)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Pre-K-2, 3-5, 6-8, 9-12) in the subjects of the arts, ~~health/physical education, and foreign languages, and social studies.~~ The access points contained in either the Next Generation Sunshine State Standards or the Sunshine State Standards provide access to the general education curriculum for students with significant cognitive disabilities for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards or the Sunshine State Standards for Special Diploma as appropriate. These standards, ~~and benchmarks, and access points~~ are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Reading and Language Arts, July 2007,
- (b) Sunshine State Standards – Mathematics, 2008,
- (c) Sunshine State Standards – Science, 2008,
- (d) Next Generation Sunshine State Standards – Social Studies, ~~2009 1996,~~
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996, ~~and~~
- (g) Next Generation Sunshine State Standards – ~~Health/Physical Education, 2009 1996, and~~
- (h) Next Generation Sunshine State Standards – Physical Education, 2009, and

~~(i)(h)~~ Sunshine State Standards for Special Diploma, 1999. Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards, Sunshine State Standards for Special Diploma, or Next Generation Sunshine State Standards as appropriate for subject areas contained herein into the district ~~Student Pupil~~ Progression Plan.

(3) The Sunshine State Standards and Next Generation Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 FS. Law Implemented 1001.03, 1003.41 FS. History–New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, 11-25-07, 4-14-08, 9-22-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0995
 RULE TITLE: Form of High School Diplomas and Certificates of Completion

PURPOSE AND EFFECT: This rule is amended to address the newly required designations for Major Areas of Interest, accelerated coursework, career education certification, and Ready to Work credential, on the standard high school diploma. The effect will be a rule consistent with governing statutes.

SUMMARY: Senate Bill 1908 requires four designations for diplomas: major area of interest, completion of four or more courses in AP, IB, AICE, or dual enrollment with successful passage of exam or coursework, career education certification, and ready to work credential. This rule is amended to incorporate these designations.

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: 1001.02, 1003.428, 1003.429, 1003.438 FS.

LAW IMPLEMENTED: 15.03(3), 1001.02, 1003.428, 1003.4285, 1003.429, 1003.43, 1003.438 FS.

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

DATE AND TIME: December 2, 2008, 8:30 a.m.

PLACE: Orlando Airport Hyatt, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Holly Edenfield, Office of K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0995 Form of High School Diplomas and Certificates of Completion.

Pursuant to Sections 1003.43 and 1003.438, Florida Statutes, the form of the Standard Diploma, the Special Diploma, the Certificate of Completion and the Special Certificate of Completion shall contain the wording and be in the form prescribed herein.

(1) through (4) No change.

(5) Districts must determine designations for each of the following accomplishments and include on standard diplomas issued beginning in May 2009 as applicable:

(a) Completion of four credits in the same Major Area of Interest as provided in Section 1003.428, Florida Statutes.

(b) Completion of four or more accelerated college credit courses in Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or dual enrollment courses, provided that the student is eligible for college credit pursuant to Sections 1007.27 and 1007.271, Florida Statutes. Successful passage of AP, IB, and AICE exams are designated in the Articulation Coordinating Committee Credit-by-Exam Equivalencies list available from the Department's web site at http://www.fldoe.org/articulation/pdf/2007_ACC-CBE.pdf. Successful passage of dual enrollment coursework constitutes a grade of C or better.

(c) Career education certification in accordance with Section 1003.431, Florida Statutes, and

(d) Florida Ready to Work Credential in accordance with Section 1004.99, Florida Statutes.

(6) Designations may be in the form of a seal, sticker, stamp, or text. There may be no more than four (4) state designations on a diploma (for example, a student who completes four (4) credits in AP courses and four (4) credits in dual enrollment may not get more than one (1) designation for accelerated options); however, districts may choose to combine designations to save space on the diploma. District seals allowed in subsection (7) of this rule must be placed below state designations.

(7)(5) School boards electing to award differentiated diplomas in lieu of the Standard Diploma as authorized in Section 1003.43, Florida Statutes, may place on the Standard Diploma a seal to indicate the type of differentiation. Seals given in recognition of outstanding scholastic achievement may also be placed on the face of the Standard Diploma, but may not be placed above the state designations as described in subsection (6) of this rule.

(8)(6) Each district school board shall produce or have produced the Diplomas and Certificates of Completion in the quantity and as needed to be awarded to the students in the public schools of that district. Any person producing copies shall, pursuant to Section 15.03(3), Florida Statutes, and Chapter 1C-5, F.A.C., secure approval from the Department of State to print the State Seal on such copies.

~~(9)(7)~~ The Commissioner is authorized, upon written request from any district school board, to approve modification in the form or format of the diplomas or certificates prescribed herein; however, such modification shall not substantively alter the content or the wording of the diplomas or certificates.

Specific Authority 1001.02, ~~1003.43~~, 1003.438 FS. Law Implemented 15.03(3), 1001.02, 1003.43.438 FS. History—New 11-14-78, Amended 6-9-81, Formerly 6A-1.995, Amended 4-3-90,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

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

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: To amend subsections 40E-0.105(2) and (4), F.A.C., to be consistent with subsection 40E-1.6058(1), F.A.C., which currently provides electronic mail as an option for receipt of notices of intent, and to amend paragraph 40E-0.109(1)(a), F.A.C., to be consistent with paragraph 40E-1.511(1)(a), F.A.C., which currently allows for electronic mail as a means of providing written notice of agency decisions.

SUMMARY: The proposed rule amendments will be consistent with existing paragraph 40E-1.511(1)(a) and subsection 40E-1.6058(1), F.A.C., which provide for electronic mail as a means of providing and receiving notice of intent and written notice of agency decisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No amendments are proposed that differ from rules currently in effect. Therefore, 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: 120.54(5), 373.044, 373.113, 120.60, 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.

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

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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, (561)682-2087 or 1(800)432-2045, ext. 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 RULES IS: Maria Clemente, P.E., Division Director, Regulatory Information Management, Environmental Resource Regulation Department, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2308 or (561)682-2308, email: mclement@sfwmd.gov. For procedural questions contact: Jan Sluth, Senior Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES 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) No change.
- (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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, P.E., Division Director, Regulatory Information Management Division, Environmental Resource Regulation Department

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-2.051	Exemptions
40E-2.061	No-Notice General Permit by Rule
40E-2.091	Publications Incorporated by Reference
40E-2.331	Modification of Permits

PURPOSE AND EFFECT: The purpose of the proposed rules is to create a general permit by rule for landscape irrigation use and to allow modification of such a permit that does not allow more cumulative days and time to conduct landscape irrigation than those provided under Chapter 40E-24, F.A.C. The proposed rules also amend the water conservation measures in the Basis of Review for Water Use Permit Applications within

the South Florida Water Management District to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

SUMMARY: The proposed rules will: 1) delete the exemption for outdoor use of water at single family dwellings and duplexes; 2) create a general permit by rule for landscape irrigation use; 3) allow modifications for those using or proposing to use water in a manner different from the conditions imposed by Chapter 40E-24, F.A.C.; and 4) amend the water conservation measures in the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Approximately 2,000,000 individual landscape irrigators, 10,000 landscape water use permittees, and other landscape irrigators are required to comply with the days and hours provisions of the rule. For most users the rule will probably have no discernable economic impact but some will experience circumstances in which they choose to make adjustments. The adjustments may include additional outlays for equipment and service, or dedication of additional time to their landscape or accepting some lessening in the satisfaction with their landscape. Most users are expected to apply less water which will reduce costs. The cost savings are more significant for those who irrigate with utility water but these cost reductions appear as reductions in water sales and revenues to the utilities who will then adjust by raising rates and re-planning plant expansions. Impacts of the rule have been reduced because of actions landscape irrigators have taken in complying with water shortages. Future actions will be influenced by the District’s water conservation program and by irrigation limitations anticipated during future water shortages as well as by this rule. Users of reclaimed water or water blended with reclaimed water are not affected except for restrictions on use during a 6 hour mid day window.

The SFWMD and local governments will incur costs in adopting and enforcing ordinances associated with the rule implementation. Water utilities will have to modify their conservation plans to incorporate the implementation of this rule.

No special provisions are made for small businesses and small governments as the rule is aimed at landscape irrigators down to the individual household level. The rule does not affect the irrigation of agriculture, the growing of nursery plants or the irrigation play-fields such as golf course play areas and athletic fields.

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: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.118, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

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

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Headquarters Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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, (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 RULES IS: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.051 Exemptions.

(1) through (2) No change.

~~(3) Water used at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.~~

Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.219 FS. History–New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94,_____.

40E-2.061 No-Notice General Permit by Rule.

(1) The Board hereby grants a general water use permit by rule to each person within the District to use, withdraw, or divert water at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.

(2) The filing of an application for a permit under this rule is not required.

(3) As a condition of this permit, each person issued pursuant to this rule shall comply with Chapters 40E-21 and 40E-24, F.A.C.

(4) Persons using or proposing to use water in a manner that differs from the conditions imposed by Chapter 40E-24, F.A.C., shall apply for a modification of this permit pursuant to subsection 40E-2.331(4), F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223 FS. History–New _____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~October 14, 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, 10-14-08,_____.

“Basis of Review for Water Use Permit Applications Within the South Florida Water Management District”

Section 2.6.1

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:

A. The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., or alternative landscape irrigation conservation measures which have been approved by the District pursuant to Rule 40E-24.301, F.A.C. Chapter 40E-24 at a minimum, of 4:00 P.M. to 10:00 A.M. ~~The permit Applicant or enacting local government may adopt an ordinance which includes exemptions from the irrigation hour restrictions for the following circumstances, irrigation systems and/or users:~~

- ~~1. Irrigation using a micro-irrigation system;~~
- ~~2. Reclaimed water end users;~~

- ~~3. Preparation for or irrigation of new landscape;~~
- ~~4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer, or constituting best management practices;~~
- ~~5. Maintenance and repair of irrigation systems;~~
- ~~6. Irrigation using low volume hand watering, including watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle or both or~~
- ~~7. Users irrigating with 75% or more water recovered or derived from an aquifer storage and recovery system.~~

B. through I. No change.

40E-2.331 Modification of Permits.

(1) through (4)(a)5. No change.

6. Does not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E-24, F.A.C., for those permits issued pursuant to Rule 40E-2.061, F.A.C. and those permits classified as landscape irrigation use.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 9-31-81, 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Assistant Deputy Executive Director, Water Resources Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2008

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008 and October 17, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.021
RULE TITLE: Definitions

PURPOSE AND EFFECT: To include Works of the District permits in the definition of electronic filing.

SUMMARY: The District currently accepts electronic filing of environmental resource, surface water management and consumptive use permit applications, responses to requests for additional information and requests for permit transfers electronically. The District is proposing to expand the definition of electronic filing to include Works of the District permits to allow applicants to electronically file applications for a Works of the District permit, responses to requests for additional information, or requests for permit transfers at the District’s e-permitting website.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed amendment will result in a cost savings to the District and the regulated community because applicants will now be able to electronically file applications for Works of the District permits, responses to requests for additional information, and requests for permit transfers instead of mailing or hand delivering multiple copies and the District will no longer have to enter these documents into the system.

There were approximately an average of 65 Works of the District permit applications filed per year between 2004-2008. Specific amounts would be based on savings associated with postage and copying and time expended entering the documents into the District’s system. Actual dollar amounts cannot be estimated at this time because the savings would only apply to those individuals who elect to participate in the electronic filing process and the cost would vary depending on the size of the documents being submitted. The proposed rule amendment is anticipated to have the same potential benefit for applicants of small businesses, small counties and small cities.

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: 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.

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

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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, (561)682-2087 or 1(800)432-2045, ext. 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 IS: Maria Clemente, P.E., Division Director, Regulatory Information Management, Environmental Resource Regulation Department, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 2308 or (561)682-2308, email: mclement@sfwmd.gov. For procedural questions contact: Jan Sluth, Senior Paralegal, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Clemente, Division Director, Regulatory Information Management Division, Environmental Resource Regulation Department

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.091	Publications Incorporated by Reference
40E-20.331	Modification of Permits

PURPOSE AND EFFECT: The purpose of the proposed rules is to amend the water conservation measures in the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24, F.A.C., and to allow for modification of permits for landscape irrigation use that do not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E-24, F.A.C.

SUMMARY: The proposed rules amend the water conservation measures in the Basis of Review for Water Use Permit Applications within the South Florida Water Management District to be consistent with the landscape irrigation conservation measures set forth in Chapter 40E-24,

F.A.C. and allow modifications for those using or proposing to use water in a manner different from the conditions imposed by Chapter 40E-24, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Approximately 2,000,000 individual landscape irrigators, 10,000 landscape water use permittees and other landscape irrigators are required to comply with the days and hours provisions of the rule. For most users the rule will probably have no discernable economic impact but some will experience circumstances in which they choose to make adjustments. The adjustments may include additional outlays for equipment and service, or dedication of additional time to their landscape or accepting some lessening in the satisfaction with their landscape. Most users are expected to apply less water which will reduce costs. The cost savings are more significant for those who irrigate with utility water but these cost reductions appear as reductions in water sales and revenues to the utilities who will then adjust by raising rates and re-planning plant expansions. Impacts of the rule have been reduced because of actions landscape irrigators have taken in complying with water shortages. Future actions will be influenced by the District's water conservation program and by irrigation limitations anticipated during future water shortages as well as by this rule. Users of reclaimed water or water blended with reclaimed water are not affected except for restrictions on use during a 6 hour mid day window.

The SFWMD and local governments will incur costs in adopting and enforcing ordinances associated with the rule implementation. Water utilities will have to modify their conservation plans to incorporate the implementation of this rule.

No special provisions are made for small businesses and small governments as the rule is aimed at landscape irrigators down to the individual household level. The rule does not affect the irrigation of agriculture, the growing of nursery plants or the irrigation play-fields such as golf course play areas and athletic fields.

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: 373.044, 373.1113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.171, 373.223, 373.229, 373.239 FS.

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

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Headquarters Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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, (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 RULES IS: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~October 14, 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, 373.103(4), 373.118, 373.171, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, 10-14-08, _____.

(For proposed amendments to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, see Notice of Proposed Rule for Rule 40E-2.091, F.A.C.)

40E-20.331 Modification of Permits.

(1) through (3)(a)5. No change.

6. Does not allow more cumulative days and time to conduct landscape irrigation pursuant to Chapter 40E-24, F.A.C. for those permits classified as landscape irrigation use.

(b) No change.

Specific Authority 373.044, 373.113, 373.171, 373.216 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Assistant Deputy Executive Director, Water Resources Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2008

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008 and October 17, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-24.011	Policy and Purpose
40E-24.101	Definitions
40E-24.201	Year-Round Landscape Irrigation Conservation Measures
40E-24.301	Local Government Option
40E-24.401	Enforcement
40E-24.501	Variations and Waivers

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to amend the landscape irrigation conservation measures currently in place in Lee, Collier and portions of Charlotte County and to expand those conservation measures throughout the region of the South Florida Water Management District.

SUMMARY: The most significant amendment is that the District is proposing a maximum number of two days per week for landscape irrigation throughout the region of the South Florida Water Management District instead of the current three days per week that is currently in place in the Lee, Collier and portions of Charlotte County areas. The District is also proposing to amend the year-round landscape irrigation conservation measures for new landscaping, providing an enforcement option for local governments, and providing a process for variances and waivers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS Approximately 2,000,000 individual landscape irrigators, 10,000 landscape water use permittees and other landscape irrigators are required to comply with the days and hours provisions of the rule. For most users the rule will probably have no discernable economic impact but some will experience circumstances in which they choose to make adjustments. The adjustments may include additional outlays for equipment and service, or dedication of additional time to their landscape or accepting some lessening in the satisfaction with their landscape. Most users are expected to apply less water which will reduce costs. The cost savings are more significant for those who irrigate with utility water but these cost reductions appear as reductions in water sales and revenues to the utilities who will then adjust by raising rates and re-planning plant expansions. Impacts of the rule have been reduced because of actions landscape irrigators have taken in complying with water shortages. Future actions will be influenced by the District’s water conservation program and by irrigation limitations anticipated during future water

shortages as well as by this rule. Users of reclaimed water or water blended with reclaimed water are not affected except for restrictions on use during a 6 hour mid day window.

The SFWMD and local governments will incur costs in adopting and enforcing ordinances associated with the rule implementation. Water utilities will have to modify their conservation plans to incorporate the implementation of this rule.

No special provisions are made for small businesses and small governments as the rule is aimed at landscape irrigators down to the individual household level. The rule does not affect the irrigation of agriculture, the growing of nursery plants or the irrigation play-fields such as golf course play areas and athletic fields.

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: 120.542, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.542, 373.042, 373.0421, 373.119, 373.171, 373.175(4), 373.223, 373.227, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: December 11, 2008, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Headquarters Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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, (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 RULES IS: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-24.011 Policy and Purpose.

(1) This chapter comprises the ~~South Florida Water Management District's (District)~~ Mandatory Year-Round Landscape Irrigation Conservation Measures ~~for the area within Lee, Collier and that portion of Charlotte County~~ within the boundaries of the South Florida Water Management District (District). These mandatory conservation measures are intended to provide a framework for consistent implementation to ensure the long-term sustainability of the water resources of the region, increase water use efficiency and prevent and curtail wasteful water use practices through regulatory means for landscape irrigation by all users. Local governments are encouraged to implement these conservation measures through the adoption of ordinances that would include these measures, variance and enforcement provisions. These measures are in addition to Chapters 40E-2 and 40E-20, F.A.C., provisions and non-regulatory measures, such as education and incentive programs, which are also utilized by the District to promote water conservation. These conservation measures prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to a maximum number of two ~~three~~ days per week unless specified otherwise herein.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223, 373.227 FS. History—New 6-12-03, Amended _____.

40E-24.101 Definitions.

When used in this chapter:

(1) "Address" means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even-numbered".

(2) "Athletic play area" means all golf course fairways, tees, roughs, and greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis and lawn bowling fields, and rodeo, equestrian and livestock arenas.

(3) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., authorizing the consumptive use of water.

(4) "Even Numbered Address" means an address, ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-M.

(5) “Existing landscaping” means any landscaping which has been which has been planted and in the ground for more than sixty (60) days.

(6) “Landscaping” means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora, not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in subsection 40E-24.101(2), F.A.C.

(7)(5) “Low Volume Hand Watering” means the watering of landscape by one person, with one hose; fitted with a self-canceling or automatic shutoff nozzle.

(8) “Low Volume Irrigation” means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

(9)(6) “Landscape Irrigation” means the outside watering of delivery of water to shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora, not intended for resale, which are planted and established for more than sixty (60) days and are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in subsection 40E-24.101(2), F.A.C.

(10) “Micro-irrigation” means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

(11) “New landscaping” means any landscaping which has been planted and in the ground for sixty (60) days or less.

(12)(7) “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(13)(8) “Reclaimed Water” means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

(14) “Supplemented reclaimed water” and “blended reclaimed water” means reclaimed water which has been commingled with other sources of water, such as potable water, groundwater, surface water, and water treatment process by-product by a public or private utility.

(15)(9) “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2 or 40E-20, F.A.C., or uses from individual wells or pumps.

(16)(40) “Wasteful and unnecessary” means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223, 373.227 FS. History—New 6-12-03, Amended _____.

40E-24.201 Year-Round Landscape Irrigation Conservation Measures.

(1) The year-round landscape irrigation conservation measures contained in this chapter are applicable to all users as defined in subsection 40E-24.101(16)(40), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C., unless indicated otherwise herein. These conservation measures apply to all water sources, except that landscape irrigation accomplished using reclaimed water and/or supplemented reclaimed water is subject to only paragraphs (5)(a), (1) and (5)(b), (1) of this section. In addition to the requirements of this section, all permitted users under Chapters 40E-2 and 40E-20, F.A.C., are required to maintain compliance with all CUP conditions and terms, including those designed to require the implementation of water conservation practices.

(2) Any restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related Board or Executive Director orders which are more restrictive than a measure contained within this chapter, shall supersede this rule for the duration of the applicable water shortage declaration.

(3) It shall be the duty of each water user to keep informed as to the landscape irrigation conservation measures presented within this chapter, which affect each particular water use.

(4) In addition to the specific conservation measures enumerated below, all wasteful and unnecessary water use as defined in subsection 40E-24.101(10), F.A.C., is prohibited.

(5) The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(a) Irrigation of existing landscaping shall comply with the following provisions: Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

1. Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

2. ~~(b)~~ Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, including multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in Rule subsection 40E-24.101(4), F.A.C., may accomplish necessary landscape irrigation only on Tuesday, and/or Thursday and/or Sunday.

3. ~~(c)~~ Odd addresses as defined in Subsection 40E-24.101(13)(8), F.A.C., and rights-of-way or other locations without an address may accomplish necessary landscape irrigation only on Monday, and/or Wednesday and/or Saturday.

(b) Irrigation of new landscaping shall comply with the following provisions:

1. Irrigation of new landscaping shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

2. On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is also allowable without regard to the normal allowable watering days and times.

3. The sixty (60) day period begins the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.

4. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.

5. Irrigation of new landscaping which has been in place for thirty-one (31) to sixty (60) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.

6. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.

~~(c)(d)~~ Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes per zone.

~~(d)(e)~~ Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended required by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:

1. Such watering-in shall be limited to one application unless the need for more than one application is stated in the directions for application specified by in the absence of specific alternative instructions from the manufacturer; and

2. Such watering-in shall be accomplished during normally allowable watering days and times set forth in paragraphs (5)(a) and (5)(b) unless a professional licensed applicator has posted a temporary pesticide sign containing the date of application and the date(s) of needed watering-in activity.

~~(e)(f)~~ Any plant material may be watered using low volume irrigation, micro-irrigation, low-volume hand watering methods, and rain barrels, cisterns, or other rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223, 373.227 FS. History—New 6-12-03, Amended _____.

40E-24.301 Local Government Option.

(1) Local governments that wish to enforce alternative landscape irrigation conservation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation and which allow no more cumulative days and time for landscape irrigation than Subsection 40E-24.201(5), F.A.C. Such ordinance shall provide for variance and enforcement procedures that do not diminish the intent and effectiveness of the measures and which do not conflict with the District's authority under Chapter 373, F.S. and District rules.

(2) Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system.

(3) Local governments with a jurisdiction divided between the South Florida Water Management District and another water management district may propose an alternative schedule of landscape irrigation conservation measures as necessary for the local government to achieve a uniform schedule within its jurisdiction.

(4) At least thirty (30) days prior to the adoption of an ordinance for alternative landscape irrigation conservation measures, the local government shall submit the proposed ordinance to the District to review for consistency with Chapter 373, F.S., and District rules and approval. The ordinance must be adopted as approved by the District.

(5)(2) In order to evaluate the effectiveness of the approved alternative landscape irrigation conservation measures, such local governments shall provide an annual report to the District which includes any variances granted or denied, enforcement actions taken and any measures proposed to be amended in the next reporting period. Each annual report shall be submitted no later than September 30th of each year following the adoption of this Chapter. The first report shall be submitted no later than January 1, 2004.

(6)(3) Users within the jurisdiction or customers of such local governments shall comply with the alternative landscape irrigation conservation measures contained within the ordinance implementing that program and are not subject to the measures contained in Subsection 40E-24.201(5), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223, 373.227 FS. History–New 6-12-03, Amended _____.

40E-24.401 Enforcement.

(1) As required by Section 373.609, F.S., each county and city commission, state and county attorney, sheriff, police officer and other appropriate local government official in the region covered by this chapter which is not implementing alternative landscape irrigation conservation measures pursuant to a local government ordinance, shall respond to address-specific or location-specific violations of this chapter upon request from the District.

~~(2) A local government may enforce Rule 40E-24.201, F.A.C., within its jurisdiction by adopting an ordinance incorporating the provisions specified therein. At least thirty (30) days prior to the adoption of an ordinance to enforce Rule 40E-24.201, F.A.C., the local government shall submit the proposed ordinance to the District to review for consistency with Chapter 373, F.S., and District rules and approval. The ordinance must be adopted as approved by the District. Irrigation of landscapes, as defined above, may be further restricted by local governments only in response to concerns directly related to the local water supply system or as provided in Rule 40E-24.301, F.A.C., above.~~

(3) In enforcing the provisions of this chapter the District will utilize any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or applicable District rule. The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7) and 120.69, F.S., to enforce the provisions of this chapter.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.119, 373.171, 373.175(4), 373.227, 373.246(7), 373.603, 373.609 FS. History–New 6-12-03, Amended _____.

40E-24.501 Variances and Waivers.

(1) Users may request relief from the provisions of this Chapter by filing a petition for variance or waiver pursuant to Section 120.542, Florida Statutes, and Chapter 28-104, F.A.C. Examples of circumstances, which subject to the above-referenced statute and rule and the provisions below, may be candidates for the issuance of a variance, include but are not limited to:

(a) Two or more properties which share a common source of water;

(b) A public or private water system experiencing, or anticipating distribution problems that cannot be addressed through Rule 40E-24.301, F.A.C.;

(c) A property utilizing modern, properly maintained and highly efficient irrigation technologies, including but not limited to soil moisture sensors and weather/evapotranspiration-based irrigation controllers.

(2) A variance or waiver is invalid if it has expired or if the user or its agent violates the terms of the variance or waiver.

(3) Where a local government has adopted an ordinance incorporating the provisions set forth in Rule 40E-24.201, F.A.C., or alternative landscape irrigation measures pursuant to Rule 40E-24.301, F.A.C., users requiring relief from such landscape irrigation conservation measures must petition that local government for relief.

Specific Authority 120.542, 373.044, 373.113, 373.171 FS. Law Implemented 120.542, 373.119, 373.171, 373.175(4), 373.227, 373.246(7), 373.603, 373.609 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Assistant Deputy Executive Director, Water Resources Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060 RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form, July 2008. The handbook replaces the Florida Medicaid Provider Reimbursement Handbook, Dental 111. Dental providers are required to bill on the ADA Dental Claim Form

when submitting paper claims. The handbook also contains updated references for the new Medicaid fiscal agent. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form, July 2008.

In the Notice of Rule Development, published in Volume 33, Number 48, Florida Administrative Weekly, dated November 30, 2008, we stated that the handbook effective date was March 2008. We changed this date to July 2008.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in rule the revised Florida Medicaid Provider Reimbursement Handbook, Dental ADA Claim Form, July 2008. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, Dental ADA Claim Form, July 2008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule amendment will not result in any additional regulatory costs.

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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 1, 2008, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida, 32308, (850)922-7328, cerasolm@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006, updated January 2007, and the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form 441, July 2008 ~~October 2003~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's Web Portal website at <http://mymedicaid-florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Public Information for Providers, then on Provider

Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent, Provider Contact Center at (800)289-7799 and selecting Option 7 377-8246.

(3) No change.

(4) The following form that is included in Chapter 1 of the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form, is incorporated by reference: ADA Dental Claim Form, ©2006 American Dental Association, J404. ADA Dental Claim Forms may be ordered from the American Dental Association at (800)947-4746 or online at www.adacatalog.org. They may also be ordered by calling the Medicaid fiscal agent's Provider Contact Center at (800)289-7799 and selecting Option 7. The following form that is included in Chapter 3 of the handbook, Medically Needy Billing Authorization, DF-ES 2902, June 2003, is incorporated by reference in Rule 59G-4.001, F.A.C. The form is mailed by the Department of Children and Families to providers whose services are eligible for reimbursement.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06, 5-21-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Cerasoli

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2008

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-3.0535
 RULE TITLE: Calculation of Quota License Transfer Fees

PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed rule amendment will be to set forth calculation procedures to be used in determining the appropriate fee to assess when a quota license is being transferred pursuant to the requirements set forth in Section 561.32 (3)(a), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs was prepared and there is no significant impact on any business, municipality, or the department with regards to regulatory costs.

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: 561.11(1) FS.

LAW IMPLEMENTED: 561.32(3)(a) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cecelia D. Jefferson, Chief Attorney, Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)921-8963

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.0535 Calculation of Quota License Transfer Fee.

The Division will follow the below listed procedure to calculate the fee associated with the transfer of a quota alcoholic beverage license, using DBPR Form AB&T 6006, Division of Alcoholic Beverages and Tobacco Quota License Transfer Fee Computation:

(1) Calculation of the transfer fee shall be as follows:

(a) Determine the amount of gross sales in all active sales months within the immediately preceding three (3) years and enter on line A;

(b) Determine the number of active sales months within the three years immediately preceding submission of the application for transfer and enter on line B;

(c) Divide the number of active sales months by 12 and enter on line C;

(d) Divide gross sales from line A by the result entered on line C and enter on line D;

(e) Multiply the total from line D by 4 mills (.004) and enter on line E;

(f) The result will be the transfer fee that must be paid; however, the transfer fee shall not exceed \$5,000.00, in accordance with Section 561.32(3)(a), Florida Statutes.

(2) "Active Sales Month" is defined as any month during the preceding 3 years in which actual sales of alcoholic beverages were made.

(3) Each application for transfer for which a fee is to be applied by computation must include documentation in the file to support the numbers used. The Division will accept the following documents as documentation for computing the transfer fee:

(a) Affidavit or statement of applicant requesting to pay the maximum \$5,000.00 transfer fee.

(b) Distributor records.

(c) Department of Revenue Sales Tax Records.

(d) Accounting records.

(e) Income Tax records.

(4) If the records provided pursuant to subsection three (3) above do not show a breakdown of gross sales of alcoholic beverages, the Division may accept a sworn

affidavit from a Certified Public Accountant having reviewed the records of the business estimating the percentage of gross sales attributable to gross alcoholic beverage sales. The Division will verify such estimate using the records submitted pursuant to subsection three (3) above.

(5) If the records or lack of records reflect no sales of alcoholic beverages or the license has been inactive for the three (3) years immediately preceding the filing of the transfer application, the transferee shall pay \$5,000.00.

(6) If the license has been in existence for less than three (3) years and there have been no sales of alcoholic beverages during this period the tax will be computed on zero sales, and the tax will be zero.

(7) DBPR Form AB&T 6006, Division of Alcoholic Beverages and Tobacco Quota License Transfer Fee Computation is incorporated herein by reference.

Specific Authority 561.11(1) FS. Law Implemented 561.32(3)(a) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Debi Pender, Deputy Director, Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NOS.:	RULE TITLES:
61G6-5.002	Application for Certification by Examination; Reexamination
61G6-5.003	Requirement for Certification
61G6-5.009	Endorsement

PURPOSE AND EFFECT: The purpose and effect for Rules 61G6-5.002 and 61G6-5.003, F.A.C., is to comply with new provisions of Section 489.511, F.S. requiring applicants to pass the certification examination prior to application; for Rule 61G6-5.009, F.A.C., it is to revise and clarify the existing language pertaining to requirements for endorsement and to delete obsolete language.

SUMMARY: In Rules 61G6-5.002 and 61G6-5.003, F.A.C., the language of the rules are amended to comply with new provisions of Section 489.511, F.S. requiring applicants to pass the certification examination prior to application; in Rule 61G6-5.003, F.A.C., the title of the rule is amended and the existing language pertaining to requirements for certification is

revised and clarified; in Rule 61G6-5.009, F.A.C., the existing language pertaining to requirements for endorsement is revised and clarified and obsolete language is deleted.

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: 489.507(3), 489.511(6) FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511, 489.521 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-5.002 Application for Certification by Examination; Reexamination.

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. ~~All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination.~~ Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454, Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board,

1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.myflorida.com/dbpr/pro/elboard/forms.html> <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

~~(2) All retake exam applications, and any other required forms and documents must be completed and filed with the Department at least forty five (45) days prior to the date of the Technical/Safety examination for which the individual is applying. The form is entitled "Retake Exam Application," DBPR ECLB 4457, Effective Date: November 12, 2004, and incorporated herein by reference. Copies of the application can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.~~

~~(2)(3) The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For re-examination on the Technical/Safety examination, a retake exam application must be submitted to the Department. For re-examination on the Business Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.~~

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03, 1-23-05, 6-3-07,_____.

61G6-5.003 Requirements Application for Examination ~~for~~ Certification.

(1) Any person desiring ~~to take the~~ certification by examination or applying for certification by endorsement pursuant to Section 589.511(6)(a), F.S., must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) No change.

1. An applicant for certification examination who is a recipient of a degree in engineering or related field from an accredited four-year college or university may substitute his or her educational background for 1 year of experience in the trade as an electrical contractor or an alarm contractor, provided that the applicant causes the college or university he or she attended to forward a copy of his or her transcript to the Department.

2. through (4) No change.

Specific Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History—New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03,_____.

61G6-5.009 Endorsement.

(1) No change.

(2) If the applicant seeking licensure by endorsement engages in contracting as a sole proprietorship, then the applicant must demonstrate that:

~~(a) If the applicant is applying pursuant to Section 489.511(6)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S., and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida. The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, business reputation, and necessary experience or the educational equivalent thereof substantially similar to or more stringent than those required for licensure by Florida law and these rules; and~~

~~(b) The out-of-state license was issued upon the satisfactory completion of an examination substantially similar to or more stringent than the examination given by the Department.~~

~~(b)(e) No change.~~

(3) If the applicant seeking licensure by endorsement engages in contracting as a partnership, corporation, business trust, or other legal entity, then the applicant must demonstrate that:

~~(a) If the applicant is applying pursuant to Section 489.511(6)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S., and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida; or The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, and business reputation substantially similar to or more stringent than those required by Florida law and these rules; and~~

~~(b) The out-of-state license was issued upon the satisfactory completion of an examination by the applicant's qualifying agent which examination is substantially similar to or more stringent than the examination given by the Department; and~~

~~(c) The qualifying agent of the applicant was required under the laws of the other state to possess; and~~

~~(b)(d) No change.~~

(4) through (5) No change.

Specific Authority 489.507(3), 489.511(6) FS. Law Implemented 489.511(9) FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.09, 21GG-5.009, Amended 2-13-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008 (5.002); September 19, 2008 (5.003 & 9)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-4.002	Application, Examination and Initial Active Status License Fee for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the reference to the national examination fee.

SUMMARY: The rule amendment will delete the reference to the national examination fee.

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: 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 491.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.002 Application, Examination and Initial Active Status License Fee for Licensure by Examination.

(1) The fees for application, examination and initial active status licensure are:

(a) through (b) No change.

(c) Mental Health Counseling – \$100 application fee, ~~\$120 national examination fee~~ and \$105 initial licensure fee for a total of \$205.

(2) No change.

Specific Authority 491.004(5), 491.005 FS. Law Implemented 491.005 FS. History–New 4-3-89, Amended 4-17-92, Formerly 21CC-4.002, 61F4-4.002, Amended 12-22-94, 7-6-95, 1-7-96, 3-5-96, Formerly 59P-4.002, Amended 1-25-98, 10-18-99, 8-9-00, 10-9-00, 10-15-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 12, 2008

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.003 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule and to modify the application for licensure as an occupational therapist.

SUMMARY: The rule amendment will add language to clarify the rule and to modify the application for licensure as an occupational therapist.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and is available by contacting Allen Hall, Executive Director, Board of Occupational Therapy, at the address listed below.

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: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/>.

Specific Authority ~~456.013~~, 468.221, 468.204 FS. Law Implemented 468.209(1), 468.221 FS. History–New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.001 RULE TITLE: Fees; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the rule and to modify the application for licensure as an occupational therapy assistant.

SUMMARY: The rule amendment will add language to clarify the rule and to modify the application for licensure as an occupational therapy assistant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and is available by contacting Allen Hall, Executive Director, Board of Occupational Therapy, at the address listed below.

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: 468.204, 468.221 FS.

LAW IMPLEMENTED: 468.209(1), 468.221 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form DH-MQA 1152, (revised 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy's website at <http://www.doh.state.fl.us/mqa/occupational/>.

Specific Authority 456.013, 468.221, 468.204 FS. Law Implemented 468.221, 468.209(1) FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-14.06, Amended 6-29-89, Formerly 21M-14.006, 61F6-14.006, 59R-62.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-4.005 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to the rule for citation for failure to timely respond to a continuing education audit request; and to add the requirement for licensee to provide documents showing compliance within 10 days.

SUMMARY: The rule amendment will add language to the rule for citation for failure to timely respond to a continuing education audit request; and to add the requirement for licensee to provide documents showing compliance within 10 days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and is available by contacting Allen Hall, Executive Director, Board of Occupational Therapy, at the address listed below.

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

SPECIFIC AUTHORITY: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.005 Citations.

(1) through (4)(e) No change.

(f) Failure to timely respond to a continuing education audit/pre-audit request as required by subsection 64B11-5.001(7), F.A.C., for which the Board shall impose a penalty of \$50.00 and shall require the licensee to provide within 10 (ten) days the documents showing proof of compliance with the continuing education requirements.

(g) No change.

(5) through (6) No change.

Specific Authority 456.077, 468.204 FS. Law Implemented 456.072, 456.077 FS. History—New 1-1-92, Formerly 21M-15.005, 61F6-15.005, Amended 11-13-96, Formerly 59R-63.005, Amended 2-20-02, 7-26-04, 8-2-05, 5-29-06, 4-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUMMARY: Firefighter death benefits in Section 112.191, Florida Statutes, are raised annually to reflect price level changes.

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: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, December 2, 2008, 10:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

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: Georgia Dowell, (850)413-3170. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bannister, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340. Phone: (850)413-3170; Fax: (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, ~~2008~~ ~~2007~~ through June 30, ~~2009~~ ~~2008~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2008~~ ~~2007~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$60,140.00~~ ~~57,759.00~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$60,140.00~~ ~~57,759.00~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$175,565.91~~ ~~173,278.31~~.

Specific Authority 112.191 F.S. Law Implemented 112.191 F.S. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Bannister, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-40.025	Mortgage Broker Examination
69V-40.031	Application Procedure for Mortgage Broker License
69V-40.100	Application Procedure for Transfer in Ownership or Control of Saving Clause Mortgage Lender License
69V-40.200	Application Procedure for Mortgage Lender License
69V-40.220	Application Procedure for Correspondent Mortgage Lender License
69V-40.242	Principal Representative

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed House Bill 5049. This bill amends Section 494.0033, F.S., to require the Office of Financial Regulation to make available an electronic version of the mortgage broker test by December 31, 2008. Persons required to take the mortgage broker test are required to bear the actual cost for the electronic version of the test; however, the fee may not exceed \$75. House Bill 5049 was signed into law (Chapter 2008-135, Laws of Florida) by Governor Crist. The proposed rules implement these statutory requirements.

SUMMARY: The Office has contracted with a third party to administer the mortgage broker test. The third party will be delivering the test in an electronic format at testing centers located throughout the state at a cost to the Office of \$43 per test. Any person required to take the mortgage broker test is responsible for paying for the actual cost of the test, which is \$43. If a person fails the test and wishes to take the test again, the cost of the retake is \$43.

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: 494.0011, 494.0033, 494.0016, 494.0061, 494.0062, 494.0065, 494.0067 FS.

LAW IMPLEMENTED: 120.60, 120.695, 494.0033, 494.0061, 494.0062, 494.0065, 494.0067 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 FULL TEXT OF THE PROPOSED RULES IS:

69V-40.025 Mortgage Broker Examination.

(1) No change.

(2) Upon receipt of filing an application filed through the REAL System, each test candidate will be responsible for scheduling his or her mortgage broker examination with the Office of Financial Regulation or its designee through the REAL system. In addition to any application fee as prescribed by Chapter 494, F.S., and any other fee required by administrative rule, the candidate shall pay \$43 for the mortgage broker examination and every retake of the examination. The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination.

(3) No change.

(4) Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the candidate's ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

(5) Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

~~(a) Unnecessary noise or other disturbance that interferes with the examination process.~~

~~(b) Cheating or attempting to cheat.~~

~~(c) Observing the examination questions or answers of those candidates being tested.~~

~~(d) Removal of any examination materials from the examination room.~~

~~Conduct from candidates resulting in the exclusion from an examination shall be grounds for denial of licensure by the Office of Financial Regulation.~~

~~(5)(6) Candidates failing the examination will be notified of the review procedures and will be responsible for requesting a retake of the rescheduling mortgage broker examination through the REAL system. Candidates will not be permitted to request schedule an examination that will be conducted on a date beyond the candidate's ninety (90) day application period. Candidates who fail the examination may request a review of their previous examination one time, for a \$30 fee, and must do so through the REAL system at the time and place designated. Requests for a review of an examination and the examination review fee must be filed with the Office of financial Regulation through the REAL System. Candidates reviewing shall have the right to have access to the examination questions, their examination responses, and the correct answers. Rules of examinee conduct during the review are the same as those for the examination.~~

~~(6)(7) Examinations will be written and composed of 110 (100 scored and 10 pretest questions) +00 multiple choice questions. Examination scores will be computed based on the following criteria: Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:~~

~~(a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.~~

~~(a)(b) The examination will be scored on the basis of 100 points.~~

~~(b)(c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years from the date of passing the examination.~~

~~(d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.~~

~~(e) Candidates may use a non-programmable hand held or battery type calculator.~~

~~(c)(f) Test scores will be derived from the number of correct responses.~~

~~(g) Candidates will not be permitted to refer to any notes, books or memoranda.~~

~~(7)(8) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to~~

~~the time remaining in the original 3 hour period.~~ Candidates will be permitted to use a non-programmable hand held or battery type calculator.

~~(8)(9)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee.

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History–New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended 3-23-08, 10-1-08,_____.

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 (d) No change.

(e) A nonrefundable mortgage broker examination fee of \$43;

~~(f)(e)~~ Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.; and

~~(g)(f)~~ Evidence that the applicant has passed the mortgage broker examination as defined in Rule 69V-40.025, F.A.C.

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

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Office of Financial Regulation by submitting the following:

(a) through (b) No change.

(c) A nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Section 494.0065(4)(c)2., F.S.;

~~(d)(e)~~ Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

~~(e)(d)~~ Designate a principal representative who shall operate and exercise control over the licensee’s business. Each mortgage lender applicant pursuant to the saving clause transfer shall include as part of the application a statement that

the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) 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) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) and (b) No change.

(c) A nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Section 494.0061(8), F.S.;

~~(d)(e)~~ Audited financial statements documenting a minimum net worth of \$250,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

~~(e)(d)~~ A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05, Mortgage Brokerage and Mortgage Lending Act Surety Bond.

~~(f)(e)~~ Designate a principal representative who shall operate and exercise control over the licensee’s business. Each mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(11), F.A.C.

(2) 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) Each corporation, general partnership, limited partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Office of Financial Regulation by submitting the following:

(a) through (b) No change.

(c) A nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Section 494.0062(11), F.S.;

(d)(e) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant’s most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(e)(f) A surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form OFR-494-05, Mortgage Brokerage and Mortgage Lending Act Surety Bond.

(f)(e) Designate a principal representative who shall operate and exercise control over the licensee’s business. Each correspondent mortgage lender applicant shall include as part of the application a statement that the principal representative will operate and exercise control over the business as defined in subsection 69V-40.001(12), F.A.C.

(2) 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, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 3-23-08,_____.

69V-40.242 Principal Representative.

(1) through (6) No change.

(7) At the time of filing an amendment to designate a new principal representative, the licensee shall file a nonrefundable mortgage broker examination fee of \$43 for the designated principal representative if required to take the mortgage broker examination pursuant to Sections 494.0061(8), 494.0062(11) and 494.0065(4)(c)2., F.S.

Specific Authority 494.0011(2), 494.0016(4), 494.0061(1), (3), (8), 494.0062(3), (11) FS. Law Implemented 120.60, 120.695, 494.001(31), 494.0016(1), 494.0061, 494.0062, 494.0067, 494.0072 FS. History–New 1-27-02, Amended 12-8-02, Formerly 3D-40.242, Amended 3-23-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
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

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-40.003	Highway Landscape Projects
14-40.020	Grant Application Process
14-40.022	Florida Highway Beautification Council Grant Award Process
14-40.023	Funding, Construction, and Maintenance of Beautification Projects
14-40.030	Application and Permit Issuance

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. 25, June 20, 2008 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGES:

1. 14-40.003(3)(a)2.: The references to plans is modified as shown:

“2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be plotted to scale on 11" x 17" multipurpose paper drawn at no less than 100 scale (1 inch = 100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Scale shall be such that clarity and legibility are preserved. Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, ~~view~~ vegetation management zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.”