

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361 or (850)413-3039 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:	RULE TITLE:
9B-72.090	Product Approval by the Commission

PURPOSE AND EFFECT: Increase product approval fees to a level that generates sufficient revenue to pay for the costs associated with the program.

SUMMARY: Fees are increased as indicated to generate revenue necessary to operate the product approval program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Regulatory Cost has been prepared and is available by contacting Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091.

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.

RULEMAKING AUTHORITY: 553.77(1)(i), 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: August 11, 2009, 8:30 or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Crown Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida

32399-2100, (850)922-6091. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.090 Product Approval by the Commission.

(1) Approval of a product or system of construction for state acceptance shall be performed by the Commission through the following steps:

(a) A product manufacturer or owner of a proprietary system or method of construction, or its designee (applicant) shall apply to the Commission for approval by filing an application in accordance with subsection 9B-72.130(2), F.A.C., validated in accordance with Rule 9B-72.080, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

(b) through (g) No change.

(2) Fees for state approval of products.

(a) Fee for approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) per subcategory of product. The Commission shall review annually and adjust fees accordingly.

(b) Fee for reinstatement after suspension, Fifty Dollars (\$50.00) per product, plus billable staff hours at Fifty Dollars (\$50.00) per hour, plus consultant fees.

(c) Fees for approval of evaluation entities, certification agencies, testing laboratories and validation entities; for first time approval, Six Five Hundred Dollars (\$600.00) (~~(\$500.00)~~), annual renewal fee, Two One Hundred Fifty Dollars (\$250.00) (~~(\$100.00)~~), revision fee, Two One Hundred Dollars (\$200.00) (~~(\$100.00)~~).

(d) Fee for revision of an existing approval, Five Three Hundred Dollars (\$500.00) (~~(\$300.00)~~) for a revision that results in a material change to the performance of a product or product design specification or both, and which may include addition of products within the same subcategory.

(e) Fee for editorial revisions of an existing product approval that does not result in material change to the performance of a product or product design specification or both, One Hundred Fifty Dollars (\$150.00) (~~(\$100.00)~~).

(f) Fee for affirmation of an existing product approval for compliance with a new edition of the standards adopted by the Code, One Hundred Fifty Dollars (\$100.00) (~~(\$50.00)~~).

(3) Applications, affirmations and revisions shall be made through the Building Codes Information System on the Internet, www.floridabuilding.org, and payment shall be by credit card or electronic check.

Rulemaking Specific Authority 553.77(1)(i), 553.842(1) FS. Law Implemented 553.842(1) FS. History—New 5-5-02, Amended 9-4-03, 11-22-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

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

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-1.1101	Amendments to and Releases of Regulatory Conservation Easements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish the terms and conditions under which the District will agree to amend or release a conservation easement conveyed to it, pursuant to Section 704.06, Florida Statutes, solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity.

SUMMARY: The proposed rule would be used to address requests to the District to amend or release a conservation easement previously conveyed to the District solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. Typically, such easements are voluntarily proposed as mitigation or to meet other regulatory requirements during the permitting process for projects requiring an environmental resource permit (ERP) under Part IV of Chapter 373, Florida Statutes, and then recorded as a condition of an ERP. In addition, the District’s rule for mitigation banks requires an applicant for a mitigation bank permit to encumber the bank’s property by conservation easement or to convey the property to the District. The District may also receive conservation easements for compliance with

another entity’s regulatory program, such as the federal wetland permitting program implemented by the U.S. Army Corps of Engineers.

The proposed rule establishes the following six categories, along with corresponding criteria for each category, that the District will use to evaluate requests for releases or amendments of these conservation easements: (1) on-site adjustments; (2) regulatory conservation easements not needed to meet regulatory requirements; (3) public projects; (4) way of necessity claims; (5) single-family lots; and (6) legal errors. For the District to agree to release or amend such a conservation easement, a request for release or amendment must satisfy the conditions of any one of these categories.

To obtain a release or amendment under the “On-site Adjustment” category, the person requesting the release or amendment must demonstrate that the on-site acreage of uplands and wetlands preserved by conservation easement after the release or amendment will remain the same or be greater than that before the release or amendment. In addition, it must be shown that the ecological value of the on-site acreage of uplands and wetlands preserved by conservation easement after the release or amendment will be at least equivalent to the greater of (1) the ecological value accorded at the time of permit issuance to the on-site acreage of uplands and wetlands preserved by conservation easement or (2) the current ecological value of the on-site acreage preserved by conservation easement. These criteria can be met by placing appropriate additional on-site areas under conservation easement. On-site acreage includes only areas within the boundaries of a construction permit or the boundaries of a valid conceptual permit. To obtain a release or amendment under the category “Conservation Easements not needed to meet Regulatory Requirements,” the person making the request must demonstrate the existence of one of four factual scenarios set forth in the proposed rule. The third category, “Public Projects,” describes the terms under which the District would voluntarily negotiate the release or amendment of a conservation easement for a public project proposed, contracted or implemented on behalf of, by an entity with the power of eminent domain. This category represents an alternative to eminent domain proceedings. The fourth category, “Single-Family Lots” addresses requests for release or amendment by single-family lot owners, while the fifth category, “Way of Necessity Claims,” addresses requests when the District is subject to, and determines it will not prevail in, a lawsuit for way of necessity under Chapter 704, Florida Statutes. Under the sixth category, “Legal Errors,” the District would release or amend conservation easements when necessary to correct legal errors or to conform the easement with the requirements of applicable permit conditions.

The proposed rule requires the District to give notice of receipt of a request for release or amendment, except in certain limited circumstances stated in the rule, to persons who own property

abutting the conservation easement area proposed to be released or amended and to interested persons, as defined by the rule. Such persons will have 14 days to comment on a request for release or amendment of conservation easement before the District acts on the request. Finally, the rule identifies the requirements for performing appraisals needed to establish equivalent monetary value under the rule which are relevant to the third, fourth, and fifth categories summarized above.

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.088 FS.

LAW IMPLEMENTED: 373.096, 373.089, 373.139(2), 373.088 FS.

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

DATE AND TIME: October 13, 2009, Following the regularly scheduled Governing Board meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

PART XI CONSERVATION EASEMENTS

40C-1.1101 Amendments to and Releases of Conservation Easements.

(1) This section establishes the terms and conditions under which the District shall agree to amend or release all or part of a conservation easement conveyed to it, pursuant to Section 704.06, Florida Statutes, solely for mitigation or in compliance with other regulatory requirements of the District or another governmental entity. It does not apply to conservation easements that were acquired by the District partly through purchase and partly through a regulatory program. The District's decision to release or amend a conservation easement is a proprietary decision and does not result in any waiver of regulatory requirements. Property owners shall be responsible for obtaining all necessary permits for their construction activities, including any dredging or filling of wetlands. A request for the release or amendment of a conservation easement shall include a copy of the recorded conservation easement; a copy of any conservation easement over other

property offered in exchange for the requested release or amendment; and a map showing the location of the recorded conservation easement and any conservation easement offered in exchange. For the District to agree to release or amend a conservation easement, the request for release or amendment shall satisfy the conditions of any one of the following six categories and the general condition in paragraph 40C-1.1101(1)(g), F.A.C.:

(a) On-site Adjustments. The District shall release or amend a conservation easement under this category when:

1. The on-site acreage of both uplands and wetlands encumbered by conservation easement after the release or amendment shall remain the same or be greater than before the release or amendment of conservation easement; and

2. The ecological value of the on-site acreage of uplands and wetlands encumbered by conservation easement after the release or amendment shall be at least equivalent to the greater of:

a. The ecological value accorded at the time of permit issuance to the on-site acreage of uplands and wetlands preserved by conservation easement; or

b. The current ecological value of the on-site acreage of uplands and wetlands preserved by conservation easement.

3. The District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C., to establish ecological values.

4. On-site acreage includes only areas within the boundaries of the construction permit that required the conservation easement or the boundaries of a valid conceptual permit.

(b) Conservation Easements not needed to meet Regulatory Requirements. The District shall release or amend a conservation easement under this category when:

1. The conservation easement was not used as mitigation for permitted impacts or otherwise to meet regulatory requirements, due to the permittee not implementing all or part of the permitted surface water management system and abandoning the permit for those impacts; or

2. The conservation easement encumbers an area where the mitigation has failed to meet permit conditions, despite all reasonably prudent measures being implemented to correct problems with the mitigation, and the permittee has obtained a permit modification for alternative mitigation to offset the impacts and has implemented the alternative mitigation; or

3. The permittee has not commenced construction under the permit that required the conservation easement and has obtained a permit modification approving different mitigation, provided that the release or amendment shall not adversely affect the ecological value of other lands or interests in lands, owned by the District; or

4. For a mitigation bank or a permitted bank phase, no bank credits have been sold or used from the bank or permitted phase, as applicable; and the relevant permit for the mitigation bank or permitted phase has been surrendered to the District.

(c) Public Projects. For the purpose of this paragraph, public projects are projects proposed or contracted by, or implemented on behalf of, an entity with the power of eminent domain to condemn the conservation easement, and may include linear facilities such as electric transmission and distribution facilities, pipeline transmission and distribution facilities, or public transportation corridors. For public projects, the District shall negotiate for a voluntary release or amendment of the conservation easement under the following terms and conditions:

1. The entity making the request shall provide an analysis that demonstrates the public project cannot practicably be located in a manner that will avoid the conservation easement. If the analysis demonstrates that avoiding the easement is not technically capable of being done, is not economically viable, or will adversely affect public safety through the endangerment of lives or property, location of the project in a manner that will avoid the easement shall not be considered "practicable" under paragraph 40C-1.1101(1)(c), F.A.C.

2. If the public project cannot be located to avoid the conservation easement pursuant to subparagraph 40C-1.1101(1)(c)1., F.A.C., the public project, to the extent practicable, shall be located within the conservation easement as follows:

a. Adjacent to or within existing utility rights-of-way, along the boundary of the conservation easement, or adjacent to or within existing firelines or roadways;

b. To avoid wetlands or uplands that are used by the bald eagle (*Haliaeetus leucophalus*) or listed wildlife species as defined in subsection 40C-4.021(20), F.A.C.;

c. To avoid a plant community that has been classified by a state rank of three (3) or lower in the document titled "FNAI [Florida Natural Areas Inventory] – Element Tracking Summary" (October 1, 2008); and

d. To minimize impacts to wetlands and other surface waters.

3. In exchange for the release or amendment, the entity making the request must provide the District with a conservation easement having substantially similar terms over other lands within the same drainage basin that have equivalent or greater ecological and monetary value to the area being released or amended. Alternatively, for public projects that are expansions of existing facilities, but are not extensions of linear facilities, the entity making the request may, in exchange for the release or amendment, provide credits from a mitigation bank with equivalent or greater ecological and monetary value, but no less than 0.01 credits, or participate in a regional off-site mitigation area (ROMA) sponsored by the Department or the

District with equivalent or greater ecological and monetary value, located within the same drainage basin as the conservation easement being released or amended.

a. To establish relative ecological values, the District shall use the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement to be released or amended, the District shall determine the reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement's current ecological value, whichever is greater. For the conservation easement proposed in exchange for the release or amendment, the District shall determine the increase in ecological value that would be attributed to the new conservation easement.

b. To establish monetary values, the District shall obtain an appraisal and a review appraisal for the conservation easement to be released or amended in accordance with subsection 40C-1.1101(3), F.A.C. If a conservation easement is proposed in exchange for the release or amendment, the District shall obtain an appraisal and review appraisal for the conservation easement offered in exchange and shall compare the values of the two conservation easements. The cost of measures taken to avoid and minimize impacts under subparagraphs 40C-1.1101(1)(c)1. and 2., F.A.C., shall be considered as part of the value in the exchange. If mitigation bank credits or participation in a ROMA are offered in exchange for the release or amendment of conservation easement, the person requesting the release or amendment must provide the District with a written quote from a mitigation bank for the mitigation credits needed to provide equivalent or greater monetary and ecological value or an analysis from the government entity implementing the ROMA of what portion of the ROMA shall be attributed to the financial contribution proposed.

(d) Way of Necessity Claim. When the District is subject to, and determines it may not prevail in, a lawsuit for a way of necessity, the District shall apply the same criteria as stated in subparagraphs 40C-1.1101(1)(c)1. through 3., F.A.C., except that the term "public project" shall be replaced with the term "way of necessity."

(e) Single-Family Lots. The District shall release up to 6,000 square feet from a conservation easement located on a single-family lot in exchange for credits from a mitigation bank or participation in a government-sponsored regional off-site mitigation area (ROMA), located in the same drainage basin as the conservation easement to be released or amended when:

1. The mitigation bank credits or ROMA participation have equivalent or greater monetary and ecological value to the conservation easement being released or amended.

a. The District shall develop an opinion of monetary value based upon the best available information for the conservation easement area to be released or amended. If this opinion of

value is not acceptable to the person requesting the release or amendment, the District shall obtain an appraisal and review appraisal of the conservation easement area to be released or amended in accordance with subsection 40C-1.1103(3), F.A.C.

b. The person requesting the release or amendment must provide the District with a written quote from a mitigation bank for the mitigation credits needed to provide equivalent or greater monetary and ecological value or an analysis from the governmental entity implementing the ROMA of what portion of the ROMA shall be attributed to the financial contribution proposed.

c. The District shall perform an ecological assessment of the conservation easement to be released or amended and the mitigation bank credits or ROMA participation being offered in exchange in accordance with the Unified Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C. For the conservation easement to be released or amended, the District shall determine the reduction in ecological value that would occur if the request were approved, based on the ecological value accorded to the conservation easement at the time of permit issuance, or the conservation easement's current ecological value, whichever is greater.

2. The District shall release the minimum area of conservation easement needed for the lot owner to have a buildable area of up to 6,000 square feet on the lot, where buildable area means the portion of lot available for a residence and other improvements, excluding any setback areas required by local governments.

3. When the District determines by review of the permit file that the conservation easement was intended to prevent direct impacts or secondary impacts associated with docks, piers, boardwalks, bulkheads or mangrove trimming, the District shall amend the easement to allow activities other than docks, piers, boardwalks, bulkheads and mangrove trimming, but shall not release the conservation easement.

4. The District shall only release or amend a conservation easement under this paragraph to individuals or trusts that are the owners of a single family lot and such individuals or trusts may only request such release or amendment for one residential lot.

5. No releases or amendments under this paragraph shall be approved for lands that were subdivided after the conservation easement to be amended or released was recorded.

(f) Legal Errors. The District shall agree to release or amend a conservation easement when a release or amendment is necessary to correct legal errors or to conform the conservation easement with the requirements of applicable permit conditions. Examples of such errors include: where the easement encumbers an entire subdivision rather than only those areas required to be encumbered by District permit; the legal description of the recorded conservation easement is legally incorrect; the conservation easement was conveyed by

an entity that did not have sufficient legal interest; or the language of the conservation easement is inconsistent with the permit that by condition requires the easement to include certain provisions or specifically allows for certain activities.

(g) General Condition. The District shall not accept a conservation easement over an exchange parcel that must be enhanced or otherwise modified to provide equivalent ecological value to the conservation easement being released or amended.

(2) Notice.

(a) Except as otherwise provided in this subsection, for any release of conservation easement greater than 1,000 square feet or amendment affecting more than 1,000 square feet of the conservation easement, the person requesting the release or amendment must provide the District with the names and addresses of all persons who own property abutting the conservation easement area proposed to be released or amended. In addition, the District shall provide notice to all persons who were "interested persons" regarding the permit that caused the conservation easement to be conveyed to the District. An "interested person" is a person, other than the permit applicant, that requested notice of agency action regarding the specific permit application. The District shall provide notice by U.S. Mail, or e-mail when an e-mail address is available, and provide a 14-day comment period from the date of the notice before taking action.

(b) Notwithstanding the provisions in paragraph 40C-1.1101(2)(a), F.A.C., notice shall not be given if: (1) the conservation easement was not used as mitigation for permitted impacts due to the permittee not implementing any of the permitted surface water management system and completely abandoning the permit; or (2) the release or amendment will be made pursuant to subparagraphs 40C-1.1101(1)(b)2., 40C-1.1101(1)(b)3., 40C-1.1101(1)(b)4., 40C-1.1101(1)(e), or 40C-1.1101(1)(f), F.A.C.;

(c) Before releasing any easement in exchange for mitigation bank credits or ROMA participation pursuant to paragraphs 40C-1.1101(1)(c), (d) or (e), F.A.C., the District shall publish a notice of intention to sell in accordance with subsection 373.089(3), F.S.

(d) For conservation easements that also served as mitigation for permits issued by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act, the District shall provide notice and an opportunity to comment or object to the release or amendment to Jacksonville District, U.S. Army Corps of Engineers. The District shall consider any comments or objections from the U.S. Army Corps of Engineers when making the final decision to release or amend such a conservation easement.

(3) Appraisals.

(a) For the District to proceed with an appraisal, the person requesting a release or amendment shall provide a title report for the property to be encumbered by conservation easement in exchange for a release or amendment to the District. The title report shall include an adequate legal description of the property, and shall contain sufficient information to inform the District and the appraiser of the status of ownership, encumbrances, exceptions, and reservations on the property.

(b) If mitigation bank credits or participation in a ROMA are being proposed in exchange for the release or amendment, only an appraisal of the area to be released or amended is required.

(c) Except as otherwise provided in sub-subparagraph 40C-1.1101(1)(e)1.a., F.A.C., one appraisal and a review appraisal shall be prepared for each parcel to be released or amended and for each parcel offered in exchange for the release or amendment in order to establish monetary value.

(d) All appraisals and review appraisals shall be prepared in accordance with the 2008-2009 edition of the Uniform Standards of Professional Appraisal Practice developed by the Appraisal Foundation (“USPAP”).

(e) All appraisals and review appraisals shall be prepared by an appraiser selected and retained by the District.

(f) The person requesting the release or amendment shall pay the District for the cost of any appraisal and any review appraisal, and payment for the cost of the appraisal and review appraisal shall be made before the District proceeds with the appraisal.

Rulemaking Authority 373.044, 373.113, 373.088 FS. Law Implemented 373.096, 373.089, 373.139(2), 373.088 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Veronika Thiebach, Sr. Asst. General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 13, 2009

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: To amend the District’s Environmental Resource Permit Information Manual, Part B, Basis of Review (BOR), to protect the nesting habitat of Bald

Eagles. The species has been removed from the Florida Fish and Wildlife Conservation Commission’s list of wildlife species that are classified as threatened.

SUMMARY: The BOR is incorporated by reference in District’s rules. The BOR currently requires an applicant to provide reasonable assurances that a regulated activity will not cause adverse secondary impacts to certain wetland and surface water systems. If adopted as proposed, the BOR will specifically include the upland habitat of Bald Eagles in the list of aquatic and wetland dependent species protected from secondary impacts under the District’s environmental resource permitting rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revisions should pose no significant negative impacts to permit applicants (small business, county, city or otherwise) for the following reasons: 1) the District mitigation provisions are unchanged; 2) previous authorizations for proposed activities are recognized; 3) the FWCC Bald Eagle Management Plan guidelines are significantly less restrictive than the previous US Fish and Wildlife habitat management guidelines (based on the findings of years of monitoring of development activities on Bald Eagles); and 4) the permit applicant may obtain an FWCC permit when it is more advantageous than the other two options. As a result, the incremental transactional costs of the proposed revisions are likely to be zero or to the advantage of the applicant. No incremental costs to the SWFWMD or changes in state or local government revenues are anticipated. This SERC is provided for informational purposes only.

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.

RULEMAKING AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 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: Karen West, Deputy General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ ~~May 17, 2009~~. This document is available from the District upon request.

(2) through (5) No change.

Rulemaking Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08, 5-12-09, 5-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen West, Deputy General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 2009

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

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
PART B, BASIS OF REVIEW
ENVIRONMENTAL RESOURCE PERMIT
APPLICATIONS WITHIN THE
SOUTHWEST FLORIDA WATER MANAGEMENT
DISTRICT

CHAPTER ONE – INTRODUCTION

1.7 EXPLANATION OF TERMS

1.7.1 – 1.7.22 No change.

1.7.23 “Listed Species” – Those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 16, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) ~~39-27.003, 39-27.004, and 39-27.005~~, F.A.C., and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended April 8, 2004), when such plants are found to be located in a wetland or other surface water.

1.7.24 – 1.7.41 No change.

CHAPTER THREE – ENVIRONMENTAL

3.1.0 through 3.2.6 No change.

3.2.7 Secondary Impacts

Pursuant to paragraph 3.1.1(f), an applicant must provide reasonable assurance that a regulated activity will not cause adverse secondary impacts to the water resource as described in paragraphs (a) through (d) below.

A proposed system shall be reviewed under this criterion by evaluating the impacts to: wetland and surface water functions identified in subsection 3.2.2; water quality; upland habitat for Bald Eagles (*Haliaeetus leucocephalus*) and aquatic and wetland dependent listed species; and historical and archaeological resources. De minimis or remotely related secondary impacts will not be considered. Applicants may propose measures such as preservation to prevent secondary impacts. Such preservation shall comply with the land preservation provisions of subsection 3.3.8. If such secondary impacts cannot be prevented, the applicant may propose mitigation measures as provided for in section 3.3 through 3.3.8.

This secondary impact criterion consists of the following four parts:

(a) An applicant shall provide reasonable assurance that the secondary impacts from construction, alteration, and intended or reasonably expected uses of a proposed system will not cause violations of water quality standards or adverse impacts to the functions of wetlands or other surface waters as described in section 3.2.2.

Impacts such as boat traffic generated by a proposed dock, boat ramp or dry dock facility, which causes an increased threat of collision with manatees; impacts to wildlife from vehicles using proposed roads in wetlands or surface waters; impacts to water quality associated with the use of septic tanks or propeller dredging by boats and wakes from boats; and impacts associated with docking facilities as described in paragraphs 3.2.4.3(f) and (h), will be considered relative to the specific activities proposed and the potential for such impacts. Impacts of ground water withdrawals to wetlands and other surface waters that result from the use of wells permitted pursuant to Chapter 40D-2, F.A.C., shall not be considered as secondary impacts under rules adopted pursuant to Part IV of Chapter 373, F.S., since these impacts shall be considered in the water use permit application process.

Secondary impacts to habitat functions of wetlands associated with adjacent upland activities will not be considered adverse if buffers, with a minimum width of 15' and an average width of 25' are provided abutting those wetlands that will remain under the permitted design, unless additional measures are needed for protection of wetlands used by Bald Eagles (*Haliaeetus leucocephalus*) for nesting or listed species for nesting, denning, or critically important feeding habitat. The mere fact that a species is listed does not imply that all of its feeding habitat is critically important. Buffers shall remain in an undisturbed condition, except for drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact

wetlands. Where an applicant elects not to utilize buffers of the above described dimensions, buffers of different dimensions, measures other than buffers or information may be proposed to provide the required reasonable assurance.

(b) An applicant shall provide reasonable assurance that the construction, alteration, and intended or reasonably expected uses of a proposed system will not adversely impact the ecological value of uplands to Bald Eagles (*Haliaeetus leucocephalus*) and aquatic or wetland dependant listed animal species for enabling existing nesting or denning by these species, but not including:

1. Areas needed for foraging; or
2. Wildlife corridors, except for those limited areas of uplands necessary for ingress and egress to the nest or den site from the wetland or other surface water.

Appendix 5 identifies those aquatic and wetland dependent listed animal species that use upland habitats for nesting or denning.

For those aquatic and wetland dependent listed animal species for which habitat management guidelines have been developed by the U.S. Fish and Wildlife Service (USFWS) or the Florida Fish and Wildlife Conservation Commission (FFWCC), compliance with these guidelines will provide reasonable assurance that the proposed system will not adversely impact upland habitat functions described in paragraph (b). For those aquatic or wetland dependent listed animal species for which habitat management guidelines have not been developed or in cases where an applicant does not propose to use USFWS or FFWCC habitat management guidelines, the applicant may propose measures to mitigate adverse impacts to upland habitat functions described in paragraph (b) provided to aquatic or wetland dependent listed animal species. Secondary impacts to the functions of wetlands or uplands for nesting of Bald Eagles (*Haliaeetus leucocephalus*) will not be considered adverse if the applicant holds a valid permit pursuant to paragraph 68A-16.002(1)(a), F.A.C. (May 15, 2008) or a valid authorization as described in subsection 68A-16.002(1), F.A.C. (May 15, 2008) for the same activities proposed by the applicant under Part IV of Chapter 373, F.S., or if the applicant demonstrates compliance with the FFWCC Eagle Management Guidelines incorporated by reference in Rule 68A-16.002, F.A.C. (May 15, 2008).

(c) through (d) No change.

3.2.8 through 3.3.1.4 No change.

3.3.1.5 To offset adverse secondary impacts from regulated activities to habitat functions that uplands provide to Bald Eagles (*Haliaeetus leucocephalus*) for nesting and to listed species evaluated as provided in paragraph 3.2.7.1(b), mitigation can include the implementation of management plans, participation in a wildlife mitigation park established by the Florida Fish and Wildlife Conservation Commission, or other measures. Measures to offset adverse secondary impacts

on wetlands and other surface waters resulting from use of a system can include the incorporation of culverts or bridged crossings designed to facilitate wildlife movement, fencing to limit access, reduced speed zones, or other measures designed to offset the secondary impact.

APPENDIX FIVE

LISTED WILDLIFE SPECIES THAT ARE AQUATIC OR WETLAND DEPENDENT AND THAT USE UPLAND HABITATS FOR NESTING OR DENNING

	Fishes
No change	
	Reptiles
No change	
	Birds
Endangered	
No change	
Threatened	
Charadrius alexandrinus tenuirostris (southeastern snowy plover)	
Charadrius melodus (piping plover)	
Columba leucocephalus (white-crowned pigeon)	
Grus canadensis pratensis (Florida sandhill crane)	
Haliaeetus leucocephala (bald eagle)	
Picoides borealis (red-cockaded woodpecker) ONLY IN LEE, COLLIER AND CHARLOTTE COUNTIES.	
Sterna antillarum (least tern)	
Sterna dougallii (roseate tern)	
Polyborus plancus audubonii (Audubon's crested caracara)	
Species of Special Concern	
No change	
	Mammals
No change	

DEPARTMENT OF MANAGEMENT SERVICES

Division of Telecommunications

RULE NO.:	RULE TITLE:
60FF-5.004	Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY: The new rule will set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board intends to prepare a Statement of Estimated Regulatory Cost to at a later date.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11., 365.172(8), 365.173(2) FS.

LAW IMPLEMENTED: 365.173(2)(d) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.004 Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-wireless Service Providers.

(1) All non-wireless and wireless service providers shall remit fees pursuant to Section 365.172(8), F.S. The rate of the wireless and non-wireless E911 fee is set by the E911 Board, but may not exceed 50 cents per month per each service identifier or prepaid calling arrangement.

(2) The non-wireless local exchange provider subscriber fee is applied uniformly statewide, except for those counties that, before July 1, 2007, had adopted an ordinance or resolution establishing a fee less than 50 cents per month per access line.

(3) Wireless providers shall bill the fee to a subscriber on a per-service-identifier basis for service identifiers whose primary place of use is within this state.

(4) The fee shall be assessed on or collected from a wireless service provider with respect to an end user's service if that end user's service is a prepaid calling arrangement subject to Section 212.05(1)(e), F.S. For the purposes of collecting the E911 fees, "prepaid calling arrangement providers" will be identified by the provider named on the prepaid wireless card or phone product purchased.

(a) The collection method(s) for the prepaid wireless fee shall be determined based on a single or combination of methods depending on the service provider's service(s). The menu of collection methods include:

1. Flat Fee Active Account Collection Method – monthly collection basis from each active prepaid subscriber whose account balance is equal to or greater than the amount of the fee.

2. Flat Fee Aggregate Collection Method – monthly collection basis according to a computed formula of aggregate prepaid service provider revenues; number of calculated accounts equals (the revenue divided by the average revenue per user) which is then multiplied by the subscriber fee. The average revenue per user on the Flat Fee Aggregate Collection

Method is the national average per user according to CTIA or the individual provider average revenues per users not to exceed \$50. The average revenue per user will be set for a two year period.

3. Point of Sale Flat Fee Collection Method – \$0.50 per prepaid calling arrangement collection basis where the E911 fee is collected at the point of sale, located in Florida or with a Florida address, on all prepaid calling arrangements sold for primary use in Florida.

4. Other Collection Method – based on E911 Board and service provider mutually agreeable method.

(b) Each prepaid wireless service provider shall notify the Board of the collection method or combination of methods utilized for fee collection based on the service provider's service(s) provided to Florida subscribers. The initial notification shall be included with the first remittance. Service providers shall notify the Board of subsequent changes to the collection method or combination of methods sixty days prior to implementing the collection method. Service providers requesting to utilize the "Other Collection Method" shall submit their proposal in writing to the E911 Board. The provider's representative shall be prepared to attend the E911 Board meeting, either in person or via teleconference, to explain the proposal and any issues at a monthly E911 Board Meeting.

(5) Each provider may retain one percent of the amount of the fees collected as reimbursement for the administrative costs incurred by the provider to bill, collect, and remit the fee. The remainder shall be delivered to the board and deposited by the board into the fund.

(6) Fees shall be submitted to the Board within 60 days after the end of the month in which the fee was collected, together with a monthly report of the number of service identifiers in each county. The information shall be submitted to the E911 Board at the following address:

State of Florida E911 Board
ATTN: Financial Management Services
Post Office Box 7117
Tallahassee, Florida 32399-0950.

(a) Service providers collecting less than \$50 per month of total fee remittances shall provide monthly reports of the number of service identifiers in each county. The reports and the fee remittances are due to the Board on a quarterly basis.

(b) All service providers providing fee remittance for 911 or E911 service pursuant to Section 365.173(2), F.S., shall provide the following information with the fee remittance.

1. Service provider's name and address; Contact Person; Contact Phone Number; E-mail Address;

2. Date of remittance report;

3. Service collection period;

4. Itemization of fee remittance revenue per county, include:

a. County;

b. Total Subscribers: Each provider shall report the number of service identifiers for subscribers or access line based on the county of primary use;

c. Gross Fees Collected Unit cost of each item;

d. 1% Provider Allowance;

e. Adjustment;

f. Description of any adjustment or other pertinent notation; and

g. Net Fees Collected.

5. Remittance Check Amount, Check Date, and Check Number; and

6. The following certification shall be part of the form: These amounts are submitted in compliance with Florida Statutes 365.172, 365.173 and 365.174 along with ordinances and definitions held within. Under penalties of perjury, I declare that I have verified the foregoing and the amounts alleged are true, to the best of my knowledge and belief.

(c) In lieu of submitting a signed Florida Emergency Communications Number E911 System Remittance Report, it can be electronically transmitted to the Board's administrative staff.

(d) Third party companies submitting fee remittances on behalf of wireless and nonwireless service providers shall provide a contact person, address, contact phone number and e-mail address to respond to all E911 Staff inquires about the fee remittances.

(7) The service providers shall provide their company contact on fee remittance information to explain any irregularities noticed in the monthly fee remittance submittals. In the event of multiple irregularities or failures to submit the fee remittances in a timely manner, the provider's representative shall be prepared to attend the E911 Board meeting, either in person or via teleconference, to explain these issues at the monthly E911 Board Meeting.

(8) Service – providers that fail to collect or deliver collected E911 fee revenue and remittance information within the 60 day submission timeframe shall be subject to collection costs required to obtain the fee revenue and to lost interest revenue, calculated in accordance with Section 55.03, Florida Statutes, on the unpaid E911 fee revenues due. The one percent provider allowance shall be applied to offset the total amount of collection costs and lost interest due to the Board, and the service provider shall be obligated to the Board for any remaining balance due.

(9) A service provider may request relief from the monetary obligations resulting from its noncompliance by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The service provider's representative shall be required to appear, either in person or via teleconference, at the next ensuing Board meeting to present its position and answer any questions from the Board. The Board, in the exercise of its

powers enumerated in Sections 365.172(5) and (6), Florida Statutes, shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174, and particularly 365.172(8), Florida Statutes.

Rulemaking Authority 365.172(6)(a)11., 365.173(2)(d) FS. Law Implemented 365.173(2)(d) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-18.001	Continuing Education Credit Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to consider extension of CE requirement deadline.

SUMMARY: The rule amendment adds a consideration for the extension of the continuing education requirement deadline.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 455.2124, 489.306 FS.

LAW IMPLEMENTED: 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.001 Continuing Education Credit Requirements.

Every person licensed pursuant to Chapter 481, Part II, Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure renewal biennium to the next.

(1) through (5) No change.

(6) The board may, upon request of a licensee suffering a hardship, temporarily waive the continuing education requirement for one year. The licensee must make the request, in writing to the Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, FL 32399-0751, or by way of <http://myflorida.com/dbpr/>, detailing the hardship at least 60 days prior to the renewal.

Rulemaking Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended 7-3-03, 3-1-05, 11-12-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

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

Division of Medical Quality Assurance

RULE NO.: 64B-9.002
RULE TITLE: Physician Survey Procedures

PURPOSE AND EFFECT: To update the survey questions.

SUMMARY: Effective in or after August 2009, this rule amends the survey incorporated by reference.

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.

RULEMAKING AUTHORITY: 458.3191(4), 459.0081(4) FS. LAW IMPLEMENTED: 381.4018, 458.3191, 459.0081 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: Jessica Swanson Rivenbark, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at www.FLHealthSource.com must fully complete on line all applicable portions of the physician workforce survey, form DH-MQA 1119, entitled Physician Workforce Survey, effective ~~08/09~~ ~~07/08~~, which is incorporated herein by reference and also may be viewed at <http://www.doh.state.fl.us/mqa/medical/index.html> or at <http://www.doh.state.fl.us/mqa/osteopath/index.html>. The address where physicians who do not renew online are required to obtain, complete and submit a paper copy of the survey with their renewal is 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399.

(2) No change.

Rulemaking Specific Authority 458.3191(4), 459.0081(4) FS. Law Implemented 381.4018, 458.3191, 459.0081 FS. History--New 4-21-08, Amended 10-20-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jessica Swanson Rivenbark

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-4.013	Recertification
64B9-4.014	Inactive Status; Reactivation

PURPOSE AND EFFECT: The purpose of the amendments is to permit Clinical Nurse Specialists the same opportunity to inactivate their advanced licenses that is accorded to advanced registered nurse practitioners.

SUMMARY: The rules permit Clinical Nurse Specialists the same opportunity to inactivate their licenses that is accorded to advanced registered nurse practitioners.

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.

RULEMAKING AUTHORITY: 464.006, 464.012, 464.014 FS.

LAW IMPLEMENTED: 456.036(5), 456.036(9), 464.012, 464.014, 455.711(5) 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

~~64B9-4.013 Recertification-Inactive Status.~~

(1) Upon initial certification, an ARNP shall be issued a certificate in the appropriate category. At the first and subsequent recertifications thereafter, the licensee shall, upon payment of the renewal fee provided in subsection 64B9-7.001(6), F.A.C., receive a dual RN/ARNP license/certificate.

(2) For each recertification cycle, the ARNP shall submit all of the following to the Board:

- (a) Proof of malpractice insurance or exemption.
- (b) Protocols or exemption.
- (c) Proof of current national certification if required.

(3) Failure to recertify as an Advanced Registered Nurse Practitioner within the time period prescribed by the Department will result in the certificate being placed on delinquent status.

~~(4) An ARNP may apply to place his certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an application fee for inactive status as specified in subsection 64B9-7.001(7), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the ARNP certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.~~

~~(5) When the Registered Nurse license of an Advanced Registered Nurse Practitioner is placed on inactive status, the Advanced Registered Nurse Practitioner certificate will also be placed on inactive status.~~

Rulemaking Specific Authority 464.006, 464.014 FS. Law Implemented 456.036(5), 464.012, 464.014, 455.711(5) FS. History–New 8-31-80, Formerly 21O-11.27, Amended 3-19-87, Formerly 21O-11.027, 61F7-4.013, 59S-4.013, Amended 2-18-98, 4-5-00,_____.

64B9-4.014 Inactive Status; ~~Reactivation of ARNP Certificate.~~

(1) An ARNP or CNS may apply to place his/her certificate on inactive status. The application shall be made on forms provided by the Board and shall be accompanied by an

application fee for inactive status as specified in paragraph 64B9-7.001(11)(c), F.A.C. Applications for inactive status will be considered only during the biennium renewal period. If the licensee seeks to have only the certificate on inactive status, the licensee will be reissued an R.N. license, provided that said R.N. licensure has been duly renewed.

(2) When the Registered Nurse license of an ARNP or CNS is placed on inactive status, the ARNP or CNS certificate will also be placed on inactive status.

~~(3)(4)~~ No inactive certificate may be reactivated unless the applicant holds a current, active license to practice as a Registered Nurse in this State, and meets the requirements of Rule 64B9-4.002, F.A.C., if applicable.

~~(4)(2)~~ Reactivation of an inactive ARNP or CNS certificate or dual RN/ARNP or RN/CNS license/certificate shall be in the manner as provided in Rule 64B9-6.003, F.A.C.

~~(5)(3)~~ Documentation of active practice as a nurse practitioner or a clinical nurse specialist within the past 5 years or documentation of an ARNP or CNS refresher course to include both theoretical and clinical components must be submitted. A current Registered Nurse license under Sections 464.008, 464.009, F.S., is required for the clinical component of a refresher course.

Rulemaking Specific Authority 464.006, 464.012, 464.014 FS. Law Implemented 456.036(9), 464.012, 464.014 FS. History–New 8-31-80, Amended 3-16-81, 6-18-85, Formerly 21O-11.28, Amended 3-19-87, 10-21-87, Formerly 21O-11.028, Amended 12-27-93, Formerly 61F7-4.014, 59S-4.014, Amended 4-5-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-14.002
RULE TITLE: Application for Board Certification and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUMMARY: The rule amendment will adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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: 484.005(1) FS.

LAW IMPLEMENTED: 484.002(6), 484.005(1) 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 Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-14.002 Application for Board Certification and Renewal.

(1) A licensed optician who wishes to be certified by the Board to be qualified to independently fill, fit, adapt or dispense soft contact lenses pursuant to Section 484.002, Florida Statutes, and subsection 64B12-10.009(2), F.A.C., shall submit to the Board, Form MQA-DH 1194, Board Certification Application, (revised 06/09), which is hereby adopted and incorporated by reference, and can be obtained from the Board of Opticianry's website at www.doh.state.fl.us/mqa/opticianry ~~must make application to the Board on the form provided by the Agency.~~ The application shall be accompanied by the fee specified in Rule 64B12-11.014, F.A.C, which is non-refundable.

(2) through (4) No change.

~~Rulemaking Specific~~ Authority 484.005(1) FS. Law Implemented 484.002(6), 484.005(1) FS. History--New 3-5-87, Amended 3-30-89, 1-30-91, Formerly 21P-14.002, 61G13-14.002, 59U-14.002, Amended 10-12-97, 9-4-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to add two additional pharmaceutical agents to the rule, which a certified optometrist is qualified to administer and prescribe in the practice of optometry.

SUMMARY: The proposed amendment adds two pharmaceutical agents to the rule that a certified optometrist is qualified to administer and prescribe in the practice of optometry.

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.

RULEMAKING AUTHORITY: 463.005, 463.055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

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

(o) Difluprednate ophthalmic emulsion – .05%.

(6)(a) through (d) No change.

(e) Bimatoprost – .03%.

~~Rulemaking Specific~~ Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 12, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 26, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-15.002 Sites – Mobile Home, Lodging, and
 Recreational Vehicle Parks
64E-15.003 Water Supply
64E-15.004 Sewage Disposal
64E-15.006 Plumbing
64E-15.007 Garbage and Refuse Disposal
64E-15.009 Recreational Camp Standards
64E-15.010 Permits and Fees

PURPOSE AND EFFECT: Develop rules to clarify language; bring incorporated references current; incorporate necessary modifications to avert waterborne pathogen transmission; and remove certain language to eliminate the need for variances being filed by the regulated community. The effect will be to provide a greater usability for the regulated community and the department.

SUMMARY: The proposed rule incorporates changes suggested by the Office of General Counsel. The proposals address rules and/or rule titles, codes and referenced standards; waterborne pathogen transmission; setbacks in RV parks; and a grammatical error.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 381.006, 513.05 FS.

LAW IMPLEMENTED: 381.006(1), (4), (6), (7), (14), 381.0072, 386.041, 403.862(1)(f), 513.012, 513.03, 513.05, 513.08, 553.73 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: July 31, 2009, 9:00 a.m.

PLACE: 4042 Bald Cypress Way, Room 225Q, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 hours before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. 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: David B. Wolfe, HSEC, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-15.002 Sites – Mobile Home, Lodging, and Recreational Vehicle Parks.

(1) through (2) No change.

(3) Recreational Vehicle Parks. The minimum size and location of each recreational vehicle space constructed or developed after the effective date of this rule shall be as follows:

(a) Each recreational vehicle space shall contain a minimum of 1200 square feet.

(b) The density shall not exceed 25 recreational vehicle units per acre of gross site.

(c) Each tent space shall contain a minimum of 500 square feet.

~~(d) All recreational vehicle units or accessory buildings shall be parked or located 25 feet from any public street or highway right-of-way.~~

~~(d)(e)~~ Each recreational vehicle space shall be clearly identified.

~~Rulemaking Specific Authority 381.006, 381.011(43), 513.05 FS. Law Implemented 513.012, 513.05 FS. History–New 5-20-96, Formerly 10D-26.110, Amended _____.~~

64E-15.003 Water Supply.

(1) The water supply for each Mobile Home Park, Lodging Park, Recreational Vehicle Park, or Recreational Camp, shall comply with the provisions of Chapter 64E-8, F.A.C., Drinking Water Systems; or Chapter 62-550, F.A.C., Drinking Water Standards, Monitoring and Reporting Permitting and Construction of Public Water Systems, 40 CFR 141, Subpart I – Control of Lead and Copper, Edition of July, 2000, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart L – Disinfection and Residuals, Disinfection Byproductsm and Disinfection Byproduct Precursors, Edition of July 1, 2003, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>, 40 CFR 141 Subpart O – Consumer Confidence reports, Edition of July 1, 2004, which is incorporated herein by reference and available free on the internet at <http://ecfr.gpoaccess.gov>,

~~Chapter 62-551, F.A.C., Control of Lead and Copper, Chapter 62-555, F.A.C., Permitting, Construction, Operation, and Maintenance of Public Water Systems Drinking Water Standards, Monitoring and Reporting, and Chapter 62-560, F.A.C., Requirements for Public Water Systems That Are Out of Compliance. The system for each park shall be designed for the maximum water demand.~~

(2) No change.

(3) Every building in a recreational vehicle park which provides personal hygiene or cooking facilities shall be connected to an approved, potable water supply which meets the minimum requirements of subsection (1) above. Recreational vehicle parks shall also comply with the following additional requirements:

(a) In recreational vehicle parks, where each space is served by a water supply service connection, the connection shall be protected against the hazards of backflow and back-siphonage.

(b) All recreational vehicle parks shall provide at least one easily accessible, backflow and back-siphonage protected potable water supply station with a water supply outlet for filling vehicle storage tanks. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 100 spaces, or fraction thereof, that do not have water hookups at the site. Recreational vehicle parks constructed after the effective date of this rule shall provide a potable water supply station for each 250 spaces, or fraction thereof, when more than 50 percent of the spaces have water and sewer hookups.

(c) Non-potable water accessibility shall not be co-located with potable water access points (hydrants, taps, or hose bibbs). Non-potable water access shall be designated and secured to prevent use as a potable water supply. Residents and guests shall be informed how to identify any non-potable water accessibility points within a park or camp.

Rulemaking Specific Authority 381.006, ~~381.011(13)~~, 513.05 FS. Law Implemented 381.006(1), 386.041, 403.862(1)f, 513.012, ~~513.12~~, 513.05 FS. History–New 5-20-96, Formerly 10D-26.120, Amended _____.

64E-15.004 Sewage Disposal.

(1) A safe method of sewage collection, disposal, or treatment and disposal shall be provided at each park or camp and shall be in compliance with either Chapter 64E-6, Standards for ~~Individual~~ Onsite Sewage Treatment and Disposal Systems, or Chapter 62-600, F.A.C., Domestic Wastewater Facilities ~~Treatment Requirements~~. Transportable wastewater containers and cassette-type toilets may be used under the following conditions:

(2) through (7) No change.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(7), (14), 381.0065, 386.041, 513.05, 513.08 FS. History–New 5-20-96, Formerly 10D-26.130, Amended 1-6-03, _____.

64E-15.006 Plumbing.

Plumbing shall be in compliance with ~~the applicable~~ plumbing requirements of the 2007 edition of the Florida Building Code, herein incorporated by reference and available free on the internet at <http://www2.iccsafe.org/states/florida/codes/provisions-of-the-State-Building-Code>, as adopted in Rule 9B-3.047, F.A.C.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.05, 513.08, 553.73 FS. History–New 5-20-96, Formerly 10D-26.150, Amended _____.

64E-15.007 Garbage and Refuse Disposal.

(1) through (2) No change.

(3) All garbage shall be collected twice weekly or in accordance with the frequency of the collection jurisdiction and transported in covered vehicles or covered containers. Burning of refuse in the park or camp is prohibited, except in incinerators for which the design and location has been approved by the Department of Environmental Protection. Refuse shall be transported and disposed of in accordance with provisions of Chapter 62-701, F.A.C., Solid Waste Management Facilities.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(4), (14), 386.041, ~~513.012~~, 513.05, FS. History–New 5-20-96, Formerly 10D-26.160, Amended _____.

64E-15.009 Recreational Camp Standards.

(1) through (3) No change.

(4) Electric Wiring-Recreational Camps. Electric wiring shall be installed in accordance with the electrical requirements provisions of the 2008 version local electrical ordinance or if no such ordinance exists, in accordance with the provisions of the latest edition of the National Electrical Code which is incorporated herein by reference and available online from the National Fire Protection Association at [www.NFPA.org](http://www.nfpa.org).

(5) through (8) No change.

Rulemaking Specific Authority 381.006, ~~381.011~~, 513.05 FS. Law Implemented 381.006(6), (14), 381.0072, 513.05 FS. History–New 5-20-96, Formerly 10D-26.180, Amended _____.

64E-15.010 Permits and Fees.

(1) through (3) No change.

(4) Enforcement. Supplemental to other enforcement remedies, citations for violation of applicable rules shall be issued on DH Form 3159, Citation for Violation, Mobile Home, Recreational Vehicle, and Lodging Park and Recreational Camps Program, which is incorporated herein by reference and furnished by the department through the county health departments.

Rulemaking Specific Authority ~~381.0011(13)~~, 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-00895, 386.03, ~~512.065~~, 513.012, 513.02, 513.03, 513.045, 513.065, ~~513.05~~ FS. History–New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David B. Wolfe (850)245-4277
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H.
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 26, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001 RULE TITLE: Materials Incorporated by Reference
PURPOSE AND EFFECT: Rule Chapter 64F-17, F.A.C., will be revised and amended to adopt new and revised manuals by reference, to update, clarify and expand existing rules that will assure the efficient administration of the Child Care Nutrition Program while promoting program integrity and the quality of food and service provided to children.
SUMMARY: This rule adopts and incorporates by reference federal regulations governing the Child Care Nutrition Program.

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.

RULEMAKING AUTHORITY: 383.011(2)(b), 120.54(6) FS.
LAW IMPLEMENTED: 383.011(1)(i) 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: Phil Reeves, Bureau Chief, Bureau of Child Nutrition Program, 4025 Esplanade Way, Mail Bin #G-240, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-17.001 Materials Incorporated by Reference.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, ~~2009~~ 2007, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published in the January 1, ~~2009~~ 2007, edition of the Code of Federal Regulations are hereby adopted and incorporated by reference. A copy of these portions of the federal regulations can be located at <http://www.gpoaccess.gov/cfr/index.html> or can be obtained from the Department of Health, Bureau of Child Nutrition Program, 4025 Esplanade Way, Mail Bin #G-240, Tallahassee, Florida 32399.

(2) The Department of Health’s publications entitled “Procedure Manual for Sponsors of Unaffiliated Centers,” dated August 1, 2006, the “Procedure Manual for Sponsors of Day Care Homes,” dated April 1, 2007, and the “Procedure Manual for Sponsors of Affiliated Child Care Centers,” dated September, 2007 are incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Rulemaking Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History--New 7-22-99, Amended 2-20-04, 4-10-07, 12-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Reeves
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon
General
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 22, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: April 24, 2009

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Fisheries

RULE NO.: 68B-14.0038 RULE TITLE: Recreational Red Snapper Season
PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to modify the Commission’s Reef Fish Rule to become consistent with federal recreational reef fish regulations for red snapper in the Gulf of Mexico. Based on federally established benchmarks, the red snapper stocks in the Gulf of Mexico are overfished and have been undergoing overfishing since the late 1980’s. The most recent red snapper stock assessment (2005) indicates continued overfishing is compromising the objectives of the Gulf of Mexico Fishery Management Council’s red snapper rebuilding plan, which is designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan. Amendment 27/14 addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons in federal waters. However, the success of the red snapper rebuilding plan depends not only upon controlling harvest in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters. Florida plays a particularly important role in the success of the red

snapper rebuilding plan because Florida’s recreational fishery, occurring in both state and federal waters, accounts for a large proportion of the recreational red snapper catch. The recreational fishery is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. The effect of these rule amendments is that federal and state regulations will be consistently applied. Where practicable, this minimizes confusion with the public, aids enforceability, and contributes to the overall red snapper rebuilding effort in the Gulf of Mexico. This rule section was amended in early 2009, to better align the recreational season in state waters with the federal season. It is being amended again because the National Marine Fisheries Service has determined that the recreational sector of the Gulf of Mexico red snapper fishery exceeded its total allowable catch by 1.2 million pounds in 2008. By law the National Marine Fisheries Service is required to correct this overage to keep the red snapper rebuilding plan on schedule. The National Marine Fisheries Service’s proposed correction would shorten the 2009 red snapper season by an additional 47 days. The Commission approved this rule amendment for state waters at a publicly noticed meeting on June 18, 2009.

Rule 68B-14.0038, F.A.C., (Recreational Red Snapper Season) would amend the Commission’s Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally managed waters of the Gulf of Mexico as proposed by the National Marine Fisheries Service. The proposed Commission rule would change the recreational red snapper fishing season from June 1 through September 30 to June 1 through August 14. This is the same recreational fishing season being proposed for federal waters by the National Marine Fisheries Service.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0038 Recreational Red Snapper Season.

In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 through ~~August 14~~ ~~September 30~~, each year. Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from ~~August 15~~ ~~October 1~~ through May 31, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-12-09,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-21.0015	Definitions
68B-21.003	Prohibition of Sale of Snook
68B-21.004	Seasons
68B-21.005	Size Limits

PURPOSE AND EFFECT: The primary purpose of the proposed rule amendments are to clarify that the Commission prohibits the sale of snook harvested or taken within or without the state in order to fully protect the snook resources from illegal sales or importation and to clarify definitions and other pro.

SUMMARY: The proposed rule will clarify that the sale of Commission rule of snook taken within or without the state is prohibited, that the size limit and season requirements of Commission rules apply to snook taken within or without the state, that snook is regulated in Florida and Federal waters by Commission rule and that snook can be temporarily possessed to measure minimum or maximum size and must be returned free, alive and unharmed if undersize or oversize.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared. The agency has determined that this rule will ___or will not ___X___ have an impact on small business. A SERC has ___ or has not ___X___ been prepared by the agency.

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

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.0015 Definitions.

(1) "Atlantic Region" means all state and federal waters of the Atlantic Ocean north and east of the Dade-Monroe County line, and all inland waters of the counties encompassed by the St. Johns River Water Management District, and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County, but including all waters of Lake Okeechobee and the Kissimmee River.

(2) No change.

(3) "Gulf Region" means all state and federal waters of the Gulf of Mexico, the inland waters of Charlotte County, Collier County, Glades County, Hendry County, Highlands county, Lee County, Monroe County and all counties encompassed by the Southwest Florida Water Management District, the Suwanee River Water Management District, and the Northwest Florida Water Management District, and all waters of Everglades National Park, but excluding all waters of Lake Okeechobee and the Kissimmee River.

(4) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum or maximum size requirement of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize or oversize.

(5) through (9) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02, 7-1-06, 7-12-07,_____.

68B-21.003 Prohibition of Sale of Snook.

(1) It is unlawful for any person, firm or corporation to buy, sell, trade, barter or exchange snook taken within or without the state in any form or manner, or to receive anything of value for any snook with or without changing possession thereof, except as provided in Rule 68B-8.012, F.A.C.

(2) It is unlawful for any wholesale or retail seafood dealer or restaurant to possess, buy, sell, or store any snook or part thereof taken within or without the state, or permit any snook or part thereof to be possessed, bought, sold or stored on, in, or about the premises or vehicles where such wholesale or retail seafood business or restaurant is carried on or conducted; provided, however, that snook which have been lawfully harvested, or parts thereof, may be kept on the premises of a restaurant for the limited purpose of preparing such snook for consumption by the angler who harvested them, so long as such snook or parts thereof are packaged or on strings with tags bearing the name and address of the owner clearly written thereon.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Formerly 46-21.003, Amended 5-13-02, 7-12-07,_____.

68B-21.004 Seasons.

(1) No person, firm or corporation shall kill, harvest or have in its possession, ~~regardless of where taken,~~ any snook taken within or without the state during the following closed periods, in the indicated areas:

(a) Statewide, during the period beginning December 15 of each year and continuing through January 31 of the following year.

(b) In the Atlantic Region, during the months of June, July or August.

(c) In the Gulf Region, during the first 14 days of the month of December, and during the months of February, May, June, July, or August.

(2) Exceptions to the closed seasons established by this rule shall only be granted by special permit issued by the Commission pursuant to Section 379.244(2), F.S., for experimental, scientific, or exhibitional purposes.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 7-9-87, 3-1-94, Formerly 46-21.004, Amended 1-1-02, 7-12-07,_____.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 28 inches or greater than 32 inches in total length in the Atlantic Region and less than 28 inches or greater than 33 inches in the Gulf Region.

(2) All snook harvested from Florida and federal waters shall be landed in a whole condition. The possession, ~~while on state waters,~~ of snook; whether taken within or without the

state, that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of snook, or mere removal of gills from snook, before landing is not prohibited. Preparation of snook for immediate consumption on board the vessel from which the fish were caught is not prohibited.

PROPOSED EFFECTIVE DATE: As soon as possible following commission action.

Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, 7-19-06, 7-12-07,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 3, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The rule provides the size shape color and location of the symbol required on structures constructed of light-frame trusses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 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: Friday, August 14, 2009, 10:00 a.m.

PLACE: The conference room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) through (5) No change.

(6) Notice required for structures with light-frame truss-type construction.

Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame weight truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(a) Definitions.

1. “Light-frame truss-type construction” means a type of construction whose primary structural elements are formed by a system of repetitive wood or light gauge steel framing members.

2. “Approved symbol” means a Maltese Cross measuring 8 inches horizontally and 8 inches vertically, of a bright red reflective color, designed in accordance with Figure 1.

3. “Townhouse” means a single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof with open space on at least two sides.

(b) Any commercial, industrial, or any multiunit residential structure of three units or more (excluding townhouses), which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Each approved symbol shall include within the center circle one of the following designations:

1. Structures with light-frame truss roofs shall be marked with the letter “R”.

2. Structures with light-frame truss floor systems shall be marked with the letter “F”.

3. Structures with light-frame truss floor and roof systems shall be marked with the letters “R/F”.

(c) The approved symbol shall be placed within 24 inches to the left of the main entry door and:

1. Be permanently attached to the face of the structure on a contrasting background, or

2. Be mounted on a contrasting base material which is then permanently attached to the face of the structure.

(d) The distance above the grade, walking surface or the finished floor to the bottom of the symbol shall be not less than 4 feet (48 in).

(e) The distance above the grade, walking surface or the finished floor to the top of the symbol shall be not more than 6 feet (72 in).

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (6) above.

(8) In multiple tenant structures and covered malls with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors be marked with an approved symbol to carry out the purpose in subsection (6) above. In such structures, approved symbols shall be marked on one side only and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

(9) The owner of each new structure required to comply with this section shall mark the structure with the approved symbol prior to receiving a certificate of occupancy.

(10) The owner of each existing structure required to comply with this section shall mark the structure with the approved symbol within 90 days of the effective date of this rule section.

(11) Where the owner of the structure and the authority having jurisdiction disagree as to the use of light-frame truss-type construction within the structure, the owner shall be granted not more than 45 days to provide written verification from a licensed engineer or licensed architect; otherwise the owner shall comply with the rule.

Figure 1:

Approved Symbol



Light-frame “Roof” only



Light-frame “Floor” only



Light- frame “Floor & Roof”

Rulemaking Specific Authority 633.01(1), 633.022, 633.0215, 633.027 FS. Law Implemented 633.01, 633.022, 633.0215, 633.027 FS. History–New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05, 5-18-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Goodloe, Chief, Bureau of Fire Prevention
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer
 DATES PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2008 and June 19, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2009

DEPARTMENT OF FINANCIAL SERVICES
Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-42.003	Definitions
69A-42.004	Discretionary Powers of the Authority Having Jurisdiction
69A-42.0041	Fire Separation Requirements
69A-42.005	Standards of the National Fire Protection Association Adopted

PURPOSE AND EFFECT: The purpose of the rule and the amendments is to maintain the separation distances that existed in prior editions of the National Fire Protection Standards.

SUMMARY: The rule maintains the separation distances between and among mobile homes at 10 feet side to side, 8 feet end to side and 6 feet end to end horizontally.

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.

RULEMAKING AUTHORITY: 633.01(1), 633.022(1)(b) FS.
LAW IMPLEMENTED: 633.01(4), 633.022(1)(b), 633.022(2)(b) 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: Friday, August 14, 2009, 11:00 a.m.
PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3171. 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-42.003 Definitions.

As used in this rule chapter, unless the context clearly requires otherwise.

(1) through (2) No change.

(3) “Mobile Home” shall have the same meaning as “Manufactured Home” set forth in NFPA 501A, adopted by reference in Rule 69A-3.012, F.A.C.

(3) through (4) renumbered (4) through (5) No change.

Rulemaking Specific Authority 633.01(1), 633.022(1)(b) FS. Law Implemented ~~633.01(1)~~; 633.022(1)(b), 633.022(2)(b) FS. History–New 5-1-84, Formerly 4A-42.03, Amended 8-1-90, 9-6-01, Formerly 4A-42.003, Amended _____.

69A-42.004 Discretionary Powers of the Authority Having Jurisdiction.

The authority having jurisdiction may modify these rules under the following conditions:

(1) Any modification to this rule chapter must be in strict conformance with this section. No currently placed mobile home shall be displaced unless it is clearly evident in the opinion of the authority having jurisdiction that there is a threat of imminent danger to the health, safety or welfare of the general public. ~~of these rules shall be allowed only in existing buildings and to the extent that, in the opinion of the authority having jurisdiction, it is clearly evident that a reasonable degree of safety to life and property from the hazards of fire, explosion, and panic is provided and maintained under the modification.~~

(2) through (3) No change.

Rulemaking Specific Authority 633.01(1), 633.022(1)(b) FS. Law Implemented ~~633.01, 633.01(4), 633.022(1)(b), 633.022(2)(b) FS.~~ History—New 5-1-84, Formerly 4A-42.04, Repromulgated 8-1-90, Formerly 4A-42.00, Amended _____.

69A-42.0041 Fire Separation Requirements.

No portion of a mobile home, excluding the tongue, shall be located closer than 10 ft. (3m) side to side, 8 ft. (2.4m) end to side, or 6 ft. (1.8m) end to end horizontally from any other mobile home or community building unless the exposed composite walls and roof of either structure are without opening and constructed of materials that will provide a one-hour fire resistance rating or the structures are separated by a one-hour fire-rated barrier.

Rulemaking Authority 633.01(1), 633.022(1) FS. Law Implemented 633.01(4), 633.022(1)(b), 633.022(2)(b) FS. History—New _____.

69A-42.005 Standards of the National Fire Protection Association Adopted.

(1) ~~The standards of the National Fire Protection Association standards 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities" NFPA 501A, the edition as adopted in Rule 69A-3.012, F.A.C., and 1194, "Standard for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds," NFPA 1194 the edition as adopted in Rule Chapter 69A-3, F.A.C., shall be the governing standards, except as modified in this Rule Chapter "Uniform Fire Safety Standards for Mobile Home Parks and Recreational Vehicle Parks".~~

(2) No change.

Rulemaking Specific Authority 633.01(1), 633.022(1)(b) FS. Law Implemented 633.022(1)(b), 633.022(2)(b), ~~633.01(4) FS.~~ History—New 5-1-84, Formerly 4A-42.05, Amended 8-1-90, 9-6-01, Formerly 4A-42.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 10, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-48.008
RULE TITLE: Monitoring

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide conditions under which the managed facilities-based voice network method of monitoring fire alarm signals can be approved by the local authority having jurisdiction.

SUMMARY: Fire alarm signals in specified occupancies must be monitored so that the fire department is automatically alerted when the alarm is activated. A managed facilities-based voice network, as described in the rule, is an acceptable monitoring alternative to a standard telephone monitoring system.

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.

RULEMAKING AUTHORITY: 633.70(4) FS.

LAW IMPLEMENTED: 633.022(1)(b), 633.701 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: Friday, August 14, 2009, 9:00 a.m.

PLACE: Conference Room at the Atrium, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Belinda Chukes, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3619. 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-48.008 Monitoring.

~~(1) Monitored Automatic emergency forces notification and any type of monitoring of fire alarm signals shall be installed and operate in accordance with the applicable NFPA standards adopted in subsection 69A-3.012(1), F.A.C., and incorporated by reference therein.~~

~~(2) Any person currently providing or proposing to provide fire alarm monitoring services to protected premises company wishing do monitoring or is currently monitoring in a fire department's area shall notify the authority having jurisdiction in writing at least 10 days prior to offering the service of that location. The provider shall notify the authority having jurisdiction verbally within 24 hours of discontinuing monitoring services to a protected premise shall be notified when any monitoring is discontinued within 24 hours. The verbal notification shall be confirmed by written notification provided to the authority having jurisdiction within 10 days of the discontinuance of monitoring services and follow up that notification by written notification.~~

(3) Managed Facilities-based Voice Network (MFVN) is a physical facilities-based communication network that:

(a) Is managed and maintained by the service provider to ensure service quality and reliability from the service subscriber location to the point at which a call is transferred or handed off to another MFVN peer network such as the public switched telephone network (PSTN), defined as a single or an interconnected collection of local, long distance and international phone companies;

(b) Conforms to all relevant PSTN standards with respect to:

1. Dialing,
2. Dial plan,
3. Call completion,
4. Carriage of alarm signals and protocols, and
5. Loop voltage treatment;

(c) Provides real-time transmission of voice and real-time transmission of signals that carry alarm industry standard alarm formats unchanged;

(d) Preserves primary line seizure for alarm signal transmission;

(e) Provides a method of electrical power backup such as a battery that provides a minimum of 8 hours of continued uninterrupted voice service availability to the attached alarm system, and

(f) Provides disaster recovery plans to address individual customer outages and network power restoration procedures. The plans shall be provided to the authority having jurisdiction upon request.

(4) The provider must demonstrate that the network is an MFVN as described in this rule by submitting to the authority having jurisdiction an attestation that the company's network meets the criteria paragraphs (a) through (f) above.

Rulemaking Specific Authority 633.70(4), ~~633.701(7)~~ FS. Law Implemented 633.022(1)(b), 633.701 633.01(1), ~~633.022(2)(b), 633.70(4), 633.701(7)~~ FS. History–New 11-16-94, Amended 7-11-01, Formerly 4A-48.008, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Goodloe, Chief, Bureau of Fire Prevention

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer and State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2008 and June 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-52.003 RULE TITLE: Application

PURPOSE AND EFFECT: To adopt two application forms by rule.

SUMMARY: The first application form requests the Department to conduct a plans review pursuant to Section 633.085(3), F.S., to assure compliance with the Florida Fire Prevention Code. The second application form requests the Department to conduct a building site inspection to assure compliance with the Florida Fire Prevention Code.

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.

RULEMAKING AUTHORITY: 633.01, 633.085 FS.

LAW IMPLEMENTED: 633.085 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: Friday, August 14, 2009, 11:30 a.m.

PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: William Fowler, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3736. 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: William Fowler, phone (850)413-3736

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-52.003 Application.

The State Legislature mandates that the State Fire Marshal shall perform the following functions for which fees shall be charged:

(1) Inspect each state-owned building on a recurring basis, as defined in Rule 69A-3.011~~009~~, F.A.C., and inspect high hazard state owned occupancies at least annually for compliance with applicable fire safety standards for state-owned buildings.

(2) Perform tests on all components of any electronic fire warning system, smoke detection system and any pressurized air handling unit.

(3) Inspect any new, renovated, alteration or change of occupancy of any existing state-owned or state-leased building.

(4) Review plans for all new construction, renovation, alteration, or change of occupancy of any existing state-owned or state-leased building.

(5) A request to review plans pursuant to Section 633.085, F.S., shall be submitted on Form DFS-K3-1973, "Application for Plan Review", effective _____, adopted herein and incorporated by reference.

(6) A request for a building site inspection shall be submitted on Form DFS-K3-1528, "Request for Building Site Inspection", effective _____, adopted herein and incorporated by reference.

Rulemaking Specific Authority 633.01, 633.085~~(5)~~ FS. Law Implemented ~~633.01(4)~~, 633.085 FS. History--New 6-18-91, Amended 9-6-01, Formerly 4A-52.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: William Fowler

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.008
 RULE TITLE: Notice Required for Buildings with Light-frame Truss-type Construction

PURPOSE AND EFFECT: To require the owner of any commercial, industrial or multiunit residential structure of three units or more constructed of light-frame trusses, to install a symbol approved by the State Fire Marshal on a location near the main entry of the structure.

SUMMARY: The rule provides the size, shape, color, and location of the symbol required on structures constructed of light-frame trusses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 633.01(1), 633.022, 633.0215, 633.027 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.0215, 633.027 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: Friday, August 14, 2009, 10:30 a.m.

PLACE: The Conference Room at the Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services, Tallahassee, Florida 32399-0329, phone (850)413-3620

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.008 Notice Required for Structures With Light-frame Truss-type Construction.

(1) Purpose: The purpose of this rule is to require the placement of an identifying symbol on structures constructed with a light-frame truss component in a manner sufficient to warn persons conducting fire control and other emergency operations of the existence of light-frame truss-type construction in the structure.

(2) Definitions.

(a) “Light-frame truss-type construction” means a type of construction whose primary structural elements are formed by a system of repetitive wood or light gauge steel framing members.

(b) “Approved symbol” means a Maltese Cross measuring 8 inches horizontally and 8 inches vertically, of a bright red reflective color, designed in accordance with Figure 1.

(c) “Townhouse” means a single-family dwelling unit constructed in a group of three or more attached units with property lines separating each unit in which each unit extends from foundation to roof and with open space on at least two sides.

(3) Any commercial, industrial, or multiunit residential structure of three units or more, (excluding townhouses) which uses horizontal or vertical light-frame truss-type construction in any portion shall be marked with an approved symbol. Each approved symbol shall include within the center circle one of the following designations:

(a) Structures with light-frame truss roofs shall be marked with the letter “R”.

(b) Structures with light-frame truss floor systems shall be marked with the letter “F”.

(c) Structures with light-frame truss floor and roof systems shall be marked with the letters “RF.”

(4) The approved symbol shall be placed within 24 inches to the left of the main entry door and:

(a) Be permanently attached to the face of the structure on a contrasting background, or

(b) Be mounted on a contrasting base material which is then permanently attached to the face of the structure.

(5) The distance above the grade, walking surface or the finished floor to the bottom of the symbol shall be not less than 4 feet (48 in.).

(6) The distance above the grade, walking surface or the finished floor to the top of the symbol shall be not more than 6 feet (72 in.).

(7) In single tenant structures with multiple main entry doors, such as big box retail stores, department stores and grocery stores, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (1) above.

(8) In Multiple tenant structures and covered mall structures with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors of the structure be marked with an approved symbol to carry out the purpose in subsection (1) above.

(9) In multiple tenant structures and covered malls with multiple main entry doors, the authority having jurisdiction is authorized to require that other main entry doors be marked with an approved symbol to carry out the purpose in subsection (1) above. In such structures, approved symbols shall be

marked on one side of the structure only and spaced not closer than 100 feet or at each end of the structure when such structure is less than 100 feet in length.

(10) The owner of each new structure required to comply with this section shall mark the structure with the approved symbol prior to receiving a certificate of occupancy.

(11) The owner of each existing structure required to comply with this section shall mark the structure with the approved symbol within 90 days of the effective date of this rule.

(12) Where the owner of the structure and the authority having jurisdiction disagree as to the use of light-frame truss-type construction within the structure, the owner shall be granted not more than 45 days to provide written verification from a licensed engineer or licensed architect; otherwise, the owner shall comply with the rule.

Figure 1:



Light-frame “Roof” only



Light-frame "Floor" only



Light-frame "Floor & Roof"

Rulemaking Authority 633.01(1), 633.022, 633.0215, 633.027(2) FS.
Law Implemented 633.01, 633.022, 633.021, 633.027 FS. History-
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Goodloe, Chief, Bureau of Fire Prevention
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Alex Sink, Chief Financial Officer
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 15, 2008 and June 19, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 20, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.001
 RULE TITLE: Installation of Monuments

PURPOSE AND EFFECT: To add language which requires cemeteries to provide access to monument builders during normal business hours; to not unreasonably restrict monument builders; to change the requirements for notifying the monument establishment that the application is noncompliant; to change the notice requirement for improperly installed monuments from 3 to 5 days; and to require monument builders to pay for damages to cemeteries.

SUMMARY: The proposed amendments will provide additional guidelines for monument establishments and cemeteries regarding installation of monuments by licensed monument establishments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined the proposed rule amendments will likely impose transactional costs to small businesses, or individuals. However, the transactional costs cannot be specified because the costs will vary from cemetery to cemetery. Some cemeteries will have simple access requirements, which others may require advance filing of written application by the monument establishment for each memorial. Cemeteries may have costs associated with the need to revise by laws. There are approximately 101 licensed Monument Establishments, and approximately 157 licensed cemeteries in the state of Florida.

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.

RULEMAKING AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.267, 497.273, 497.278, 497.558 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-12.001 Installation of Monuments.

(1) A cemetery shall require that any person engaged in the retail sale of monuments or monument services ~~to consumers~~ who wishes to install, place, ~~or set,~~ or inscribe a monument shall provide the cemetery with proof that the person has a valid license registration with the Department. If a

cemetery wishes to require proof that a monument dealer or builder has obtained all necessary local or occupational licenses, then the cemetery shall require ~~the monument dealer to make~~ such an affirmative representation in the application contract between the cemetery and the monument dealer or builder.

(2) Pursuant to subsection 497.273(3), F.S., a cemetery may adopt bylaws setting forth minimum standards for monuments installed in the cemetery which can include the style and size of a monument or its foundation, the content and material of which the monument and/or foundation is to be constructed, the locations or gardens in which different monuments may be installed, the manner of installation of either a flat or upright monument, the specific location on the grave for the installation of either flat or upright monuments, the requirements for the removal and replacement of monuments in the path that any installation equipment must take to install a specific monument, and the clean-up necessary after installation. In all cases, the cemetery must comply with its own minimum standards. Nothing in this rule shall be construed to allow a cemetery to have exclusive rights to monument construction or installation within the cemetery or any part of the cemetery, except for inscriptions in community mausoleums.

(3) Pursuant to subsection 497.273(3) and Section 497.555, F.S., all cemeteries shall permit during normal business hours to licensed monument establishments to install, inscribe or repair a monument, marker or private mausoleum. Cemeteries may adopt bylaws to establish minimum standards for access. These minimum standards shall not unreasonably restrict access to the cemetery grounds, the method of transporting burial merchandise to the burial space, or increase the cost to the owner of interment or burial rights. In all cases, monument establishments and cemeteries shall comply with these minimum standards.

(4)(3) As the cemetery is the only entity holding the records of the ownership of the burial (interment) rights it may require that a person prior to delivering a monument for installation in the cemetery shall submit an application to the cemetery showing the foundation, design, style, size and material of the monument to be installed purchased. If required by the cemetery, the application shall include be accompanied by a scaled sketch of the proposed monument showing the with the proposed lettering, showing the family name, the location of the first names of the deceased and/or others, dates and any other items planned to be a part of the monument. If the application does not meet the minimum standards for burial merchandise and installation thereof, it so requires the cemetery shall contact the monument establishment within five (5) working days with a written notice of non-compliance must either approve or disapprove the application, in writing, and provide notice to such person,

~~postmarked within 5 working days of the date that the completed application was received by the cemetery.~~ If the cemetery it does not do so, the application will be deemed to be approved. The cemetery shall require the written approval of the owner(s) of the burial (interment) rights and legally authorized person or next of kin which shall ~~may~~ be on the application form submitted by the monument establishment installer prior to scheduling installation.

(5)(4) The cemetery is the scheduling agent for all activities conducted within the cemetery. The scheduling of burials takes priority over all other activities. The cemetery shall schedule the installation of a monument within two (2) working days of the date requested by the installing person provided all the proper authorizations and other requirements have been delivered to and approved by the cemetery. The time of installation must be set so that the installation and the clean up can be accomplished prior to the normal closing time of the cemetery. The foregoing shall be subject to change by the cemetery in the event it received notification of a death of an owner of burial rights located in such a location that the installation of the monument would interfere with the burial.

(6)(5) In the event a burial is taking place and in the determination of the cemetery the installation of a monument will be considered an interference with the burial, the installing persons shall be required by the cemetery to withdraw until the funeral being conducted has concluded and those in attendance have left the cemetery at which time the installation of the monument may be continued.

(7)(6) Prior to the initiation of the monument installation the cemetery shall mark the place on the grave where the monument is to be installed by placing a flag, or other marker, thereon. Nothing in this rule is intended to imply or require that a cemetery shall have to lay out or engineer a grave site for the installation of a monument. If the cemetery is requested by the monument installer to engineer the grave site, the fee for such service shall be disclosed on the cemetery's price list.

(8)(7) After installation, the cemetery shall inspect the installation. If the installation is improper and not in compliance with the cemetery's minimum standards operating procedures, the installing person shall be notified in writing postmarked within five (5) three (3) working days after installation of the manner in which the installation is not in compliance and the installing person shall have 15 days from the date of notification, in which to make the correction. In the event that the correction is not made within the said 15 days, the cemetery has the right to correct the installation and charge the installing person a reasonable charge for making the correction. A monument establishment shall be responsible for the reasonable cost of repairs needed to repair damages to property in the cemetery caused by the monument establishment's operations in the cemetery.

~~(9)(8)~~ The cemetery shall not be liable for improper installation of monuments not installed by the cemetery.

~~(10)(9)~~ Nothing in this rule shall be construed as requiring a cemetery to replace stolen monuments or portions thereof, or to replace or repair monuments that are damaged due to vandalism or other causes beyond the cemetery's control.

~~(11)(10)~~ A cemetery shall not require any person or firm that installs, places, or sets a monument to obtain any form of insurance, bond, or surety or make any form of pledge, deposit, or monetary guarantee as a condition for entry on or access to cemetery property.

~~(12)(11)~~ In the event that the cemetery has approved a monument sketch or made written representations to the monument establishment which is not according to the records of the cemetery, the cemetery shall be solely responsible to correct or replace the monument.

Rulemaking Specific Authority 497.103 FS. Law Implemented ~~497.267, 497.273(3), 497.278, 497.550, 497.555, 497.558~~ FS. History--New 1-24-95, Formerly 3F-12.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-5.010 RULE TITLE: Procedure for Employee Curriculum Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rule repeal, as published in Vol. 35, No. 21, of the Florida Administrative Weekly on May 29, 2009, has been withdrawn.

THE PERSON TO BE CONTACTED WITH REGARD TO THE RULE IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-1.002	Definitions
9B-1.003	Administration and Department Responsibilities
9B-1.004	Adoption of Model Codes
9B-1.006	Certification of Agencies
9B-1.007	Manufacturer Certification
9B-1.009	Design Plan and Systems Approval
9B-1.0095	Component System
9B-1.010	Manufacturer's Quality Control Manual Procedures
9B-1.011	Alterations and Relocation
9B-1.016	Department Insignia
9B-1.017	Insignia Application and Issuance
9B-1.018	Insignia Denial
9B-1.019	Removal of Insignia
9B-1.020	Schedule of Fees
9B-1.0211	Change in Manufacturer's Status
9B-1.0221	Manufacturer's Obligations Upon Sale of Building
9B-1.023	Oversight, Complaint
9B-1.026	Factory-built Schools, Certifications
9B-1.028	Factory-built Schools, Inspections and Work Progress Reports
9B-1.030	Factory-built Schools, Insignia and Data Plate

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. 35, No. 13, April 3, 2009 issue of the Florida Administrative Weekly.

A Statement of Estimated Regulatory Cost has been prepared. A copy can be obtained by contacting Ila Jones at (850)922-6091 or via e-mail Ila.jones@dca.state.fl.us.

9B-1.002 Definitions.
 (1) through (26) No change.

Rulemaking Specific Authority ~~553.37(2)(c) 553.76(4)~~, 553.415 FS. Law Implemented 553.37, 553.415, ~~553.73~~ FS. History--New 1-17-72, Amended 2-23-75, 12-8-75, 3-1-80, 9-29-82, Formerly 9B-1.02, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07, _____.

9B-1.003 Administration and Department Responsibilities.
 (1) through (4) No change.

Rulemaking Specific Authority 553.37(1), (2), ~~553.73(2), 553.76(4)~~ FS. Law Implemented 553.37(1), (2), ~~553.73(2), 553.76(4)~~, 553.381 FS. History--New 1-17-72, Amended 2-23-75, 3-1-80, 11-1-84, Formerly 9B-1.03, Amended 1-1-87, 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 7-16-03, 5-13-07, _____.