

~~(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proposed rule repeal, as published in Vol. 35, No. 21, of the Florida Administrative Weekly on May 29, 2009, has been withdrawn.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, _____.

9B-1.004 Adoption of Model Codes.

(1) through (6)(b) No change.

Rulemaking Specific Authority 553.37(1), 553.415, 553.73(2), 553.76(4) FS. Law Implemented 553.37(3)(8), 553.38(4), 553.415, 553.73(1), (2) FS. History–New 1-17-72, Amended 6-19-74, 2-23-75, 12-21-76, 3-20-79, 3-1-80, 6-24-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.04, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.006 Certification of Agencies.

(1) through (6) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.38(1), 553.73(2), 553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(e), (8)~~ FS. History–New 1-17-72, Amended 2-23-75, 12-8-75, 11-14-76, 3-23-77, 3-1-80, 9-29-82, 4-21-83, 11-1-84, Formerly 9B-1.06, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.007 Manufacturer Certification.

(1) through (4) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.38(1), 553.381, 553.73(2), 553.76(4)~~ FS. Law Implemented ~~553.37(8)~~, 553.381 FS. History–New 1-17-72, Amended 2-23-75, 11-14-76, 3-1-80, 11-4-84, Formerly 9B-1.07, Amended 1-1-87, 1-1-89, 3-1-95, 9-7-00, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.009 Design Plan and Systems Approval.

(1) through (8)(s) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(a)~~ FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 1-29-84, 11-1-84, Formerly 9B-1.09, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.0095 Component System.

(1) through (3)(d) No change.

Rulemaking Specific Authority 553.37(2), 553.38, ~~553.76(4)~~ FS. Law Implemented 553.37(2), 553.38, 553.36(6)(5), ~~553.76(4)~~ FS. History–New 9-13-01, Amended 7-16-03, 5-13-07,_____.

9B-1.010 Manufacturer’s Quality Control Manual Procedures.

The manufacturer’s Quality Control Manual shall at a minimum contain the following information.

(1) through (5)(f) No change.

Rulemaking Specific Authority 553.37(2)(1)(b), ~~553.76(4), 553.381~~ FS. Law Implemented 553.37(2)(1)(b), (6), (8), ~~553.76(4)~~ 553.381 FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, Formerly 9B-1.10, Amended 1-1-89, 3-1-92, 3-1-95, 9-7-00, 9-13-01, 5-13-07,_____.

9B-1.011 Alterations and Relocation.

(1) through (5) No change.

Rulemaking Specific Authority 553.37(2), ~~(5)(4), 553.375~~ FS. Law Implemented 553.37(2), ~~(5) (4), (4), 553.375~~ FS. History–New 1-17-72, Amended 2-23-75, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.11, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03,_____.

9B-1.016 Department Insignia.

(1) through (11) No change.

Rulemaking Specific Authority 553.37(2)(1), ~~(e), 553.76(4)~~ FS. Law Implemented 553.37(2) ~~(1)(5), 553.38, 553.73(2)~~ FS. History–New 1-17-72, Amended 9-17-73, 2-23-75, 3-1-80, 6-24-80, 9-29-82, 11-1-84, Formerly 9B-1.16, Amended 1-1-87, 3-1-92, 3-1-95, 9-13-01, 7-16-03, 5-13-07,_____.

9B-1.017 Insignia Application and Issuance.

(1) through (2) No change.

Rulemaking Specific Authority 553.37(2)(1)(b) FS. Law Implemented 553.37, 553.38, ~~553.73(2), 553.76(4)~~ FS. History–New 1-17-72, Amended 9-27-73, 2-23-75, Formerly 9B-1.17, Amended 1-1-87, 3-1-92, 3-1-95, 7-16-03, 5-13-07,_____.

9B-1.018 Insignia Denial.

No change.

Rulemaking Specific Authority 553.37(1) FS. Law Implemented 553.37(1), 553.38 FS. History–New 1-17-72, Amended 2-23-75, Formerly 9B-1.18, Amended 3-1-92, 3-1-95, 9-7-00,_____.

9B-1.019 Removal of Insignia.

Rulemaking Specific Authority 553.37(2)(1) FS. Law Implemented 553.37(2), ~~(5), (6) (3), (4), 553.38(1)~~ FS. History–New 1-17-72, Amended 9-17-73, Repromulgated 2-23-75, Amended 3-1-80, Formerly 9B-1.19, Amended 3-1-95,_____.

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

- (1) and (2) No change.
- (3) Insignia fees:
 - (a) Factory-built schools fee is \$20 ~~\$15~~ per building;
 - (b) No change.
 - (c) Storage sheds (less than 720 square feet in area) is \$7 ~~\$5~~;
 - (d) Manufactured buildings fee is \$60 ~~\$50~~ per module, including storage sheds over 720 feet.

Rulemaking Specific Authority 553.37(8)(7) FS. Law Implemented 553.37(8)(7) FS. History–New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01, 8-16-04, 5-13-07,_____.

9B-1.0211 Change in Manufacturer’s Status.

(1) through (4) No change.

Rulemaking Specific Authority 553.37(2)(1) FS. Law Implemented 553.37(2)(1), ~~(4)~~ 553.381(1) FS. History–New 9-13-01, Amended 7-16-03, 5-13-07,_____.

9B-1.0221 Manufacturer’s Obligations Upon Sale of Building.
No change.

Rulemaking Specific Authority ~~553.37(1), (3), (11)~~ 553.38 FS. Law Implemented ~~553.37(1), (3), (11)~~ 553.38 FS. History–New 9-13-01, Amended 5-13-07, Repromulgated _____.

9B-1.023 Oversight, Complaint.
(1) through (3)(f) No change.

Rulemaking Specific Authority ~~553.37(2)~~ 553.38(2), 553.39 FS. Law Implemented ~~553.37(2)~~ 553.38(2), 553.39 FS. History–New 9-13-01, Amended _____.

9B-1.026 Factory-built Schools, Certifications.
(1) through (3)(i) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended _____.

9B-1.028 Factory-built Schools, Inspections and Work Progress Reports.
(1) and (2) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 7-16-03, 5-13-07, _____.

9B-1.030 Factory-built Schools, Insignia and Data Plate.

(1) Each factory-built school building utilized for public educational purposes shall bear the “SREF/school” insignia of the Department and a data plate. The data plate shall be fabricated by the manufacturer of new buildings and the owner of existing buildings of durable material with the required information inscribed thereon. The insignia and data plate shall be permanently affixed on or about the electrical panel. The insignia must be affixed prior to leaving the factory. The data plate shall provide the following information:

- (a) through (w) No change.
- (2) through (4) No change.

Rulemaking Specific Authority 553.415 FS. Law Implemented 553.415 FS. History–New 9-13-01, Amended 5-13-07, _____.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: RULE TITLE:
12C-1.0222 Returns; Time and Place for Filing
 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. 20, May 22, 2009 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated June 18, 2009, the provisions of paragraph (a) of subsection (2) of Rule 12C-1.0222, F.A.C., have been changed to remove reference to

federal case law and Internal Revenue Service Announcements for purposes of determining “good cause” for granting extensions of time for filing Florida corporate income tax returns. When adopted, that paragraph will read:

(a) An extension of the due date of any required return will be effective until 15 days after the expiration of the federal extension or until six (6) months after the due date of the return, whichever occurs earlier. The aggregate amount of time of extensions for a return cannot exceed 6 months. If an automatic extension is not permitted because a federal extension has not been requested or is not allowed, the application for extension of time to file a return must contain sufficient facts to establish good cause why the return cannot be filed on or before the original due date. An extension of time for filing a return does not operate as an extension of time for payment of the tax or any part thereof.

In addition, the provisions of subparagraph 1. of paragraph (b) of subsection (2), and the provisions of subparagraph 2. of paragraph (b) of subsection (3), have been revised to provide that Forms F-7004 and F-1065 are incorporated by reference in Rule 12C-1.051, F.A.C. When adopted, subparagraph (2)(b)1. will read:

1. Form F-7004, Florida Tentative Income/Franchise and Emergency Excise Tax Return and Application for Extension of Time to File Return (incorporated by reference in Rule 12C-1.051, F.A.C.), signed by a person duly authorized by the taxpayer to sign a request for extension, is filed with the Department on or before the due date prescribed for filing the return. See Rule 12C-1.0221, F.A.C., for persons authorized to request an extension of time to file. For affiliated groups, the parent company qualified to file a Florida consolidated income tax return must file Form F-7004. An extension granted to the parent company of an affiliated group applies to the parent company's consolidated return. If any corporate partner requires an extension of time to file its separate Florida corporate income tax return, a separate Form F-7004 must be filed by the corporate partner with the Department.

When adopted, subparagraph (3)(b)2. will read:

2. The automatic federal extension of time to file a federal partnership return is five (5) months. When a taxpayer is granted an extension of time to file its Florida Partnership Information Return (Form F-1065, incorporated by reference in Rule 12C-1.051, F.A.C.), the due date is 15 days after the federal return due date. For example, a partnership whose fiscal year ends on December 31, will be granted an extension of time from May 1 to October 1 to file its Florida partnership return when all the requirements for an extension of the due date of a return provided in this rule are met.

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:
14-10.006 Additional Permitting Criteria

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.901 Confidential Records
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.010 Payment Methodology for Nursing
 Home Services
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: RULE TITLE:
62B-26.001 Description of the Walton County
 Coastal Construction Control Line
 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. 17, May 1, 2009 issue of the Florida Administrative Weekly.

(1) There is hereby established, pursuant to Section 161.053, Florida Statutes, the revised Walton County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule amendment shall take effect on the date of filing with the Florida Department of State and shall be that it is duly recorded in the public records in the office of the Clerk of the Circuit Court, in and for Walton County, Florida, together with each affected municipality.

(3) After this rule amendment becomes effective, a permit, under Section 161.053, Florida Statutes and Chapter 62B-33, Florida Administrative Code, to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

Rulemaking Authority 161.053(21) 370.021(4) FS. Law Implemented 161.053 FS. History--New 5-13-75, Amended 12-29-82, Formerly 16B-26.01, 16B-26.001, Amended _____.

"The Metes and Bounds Description of the Coastal Construction Control Line of Walton County, Florida as published in the notice of propose

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-8.005 Unprofessional Conduct
 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. 26, July 2, 2009 issue of the Florida Administrative Weekly.

The change corrects the cross-references in paragraphs (4) and (6) of the rule text.

Paragraph (4) of the said rule shall read as follows:

(4) In order to administer or monitor any pharmacologic agents in accordance with subsection (1) or (2) above, a registered nurse must:

Paragraph (6) of the said rule shall read as follows:

(6) Pharmacologic agents that may be administered by a registered nurse or licensed practical nurse pursuant to paragraphs (2) and (3) shall not include medications that are intended to result in loss of consciousness such as propofol, pentothal, dexmedetomidine, or any medication which the manufacturer's package insert states should be administered only by individuals trained in the administration of general anesthesia.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-4.004 Manner of Application

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. 19, May 15, 2009 issue of the Florida Administrative Weekly.

The change corrects the revision date of the application form.

Subsection (2) of the said rule shall read as follows:

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number ~~DH-MQA 1128, Revised 06/09~~ ~~DH-MQA 1128, Revised 08/08~~ ~~DPR OPA 0001 effective 4/8/92~~, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-6.002	Categories of Captive Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife

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. 19, May 15, 2009 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-6.002 has been changed to delete the following word in paragraph (1)(d):

(d) Hybrids resulting from the cross between wildlife and domestic animal, which are substantially similar in size, characteristics and behavior so as to be ~~substantially~~ indistinguishable from the wild animal shall be regulated as wildlife at the higher and more restricted class of the wild parent.

Proposed amendment to Rule 68A-6.0022 has been changed to include the following new language as shown in subparagraph (5)(c)1.:

1. Applicants shall demonstrate no less than one (1) year of substantial practical experience (to consist of no less than 1,000 hours) in the care, feeding, handling and husbandry of the species for which the permit is sought, or other species, within the same biological family (except crocodilians which shall be in the same biological order; ratites which shall be in the same biological sub-order; and cougars, panthers or cheetahs which shall remain at the genus level), which are substantially similar in size, characteristics, behavior, habits, care and nutritional requirements to the species for which the permit is sought.

Proposed amendment to Rule 68A-6.0023 has been changed to include the deletion of one word and addition of the following new language as shown in subsection (3):

(3) Unconfined captive wildlife shall be maintained under rigid supervision and control, so as to prevent injuries to members of the public. No captive wildlife shall be tethered outdoors unsupervised. To provide for public safety, ~~all~~ wildlife shall be tethered or controlled in such a manner as to prevent physical contact with the public and a structural safety barrier, as provided in paragraph (2)(b) above, must be present to prevent physical contact with unconfined Class I or Class II wildlife except in instances where public contact is allowed in paragraph (3)(a) below.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following new word as shown in paragraph (3)(a):

(a) Public contact and exhibition.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following new language as shown in subparagraph (3)(a)1.:

1. General: All Class I, II, or III wildlife that will be used for contact with the public shall have been evaluated by the exhibitor to insure compatibility with the uses intended. All wildlife shall be exhibited in a manner that prevents injuries to the public and the wildlife. The exhibitor shall take reasonable sanitary precautions to minimize the possibility of disease or parasite transmission which could adversely affect the health or welfare of citizens or wildlife. When any conditions exists that results in a threat to human safety, or the welfare of the wildlife, the animal(s) shall, at the direction of a Commission officer, be immediately removed from public contact for an interval necessary to correct the unsafe or deficient condition.

Proposed amendment to Rule 68A-6.0023 has been changed to include the following addition and deletion of language as shown in subsection (6):

(6) No person shall possess any wildlife requiring a permit for personal use, or any wildlife for sale or exhibition, without documentation of the source and supplier of such wildlife. Possessors of such wildlife must maintain an accurate record of

~~all~~ changes in inventory including ~~births, deaths,~~ acquisitions and sales or transfers of all wildlife. Possessors of Class I or Class II wildlife must also maintain an accurate record of all births and deaths. Such records shall be open to inspection upon request by commission personnel.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-12.011 Regulations Governing the
 Establishment and Operation of
 Game Farms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 35, No. 19, May 15, 2009, issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-12.011 has been changed to include the following new acreage in paragraph (1)(a):

(1)(a) Such game farm must not exceed an area of 2,000 ~~640~~ acres owned or leased and no game farm may join or be connected to another game farm. In the event that the facility location is under lease to the applicant, said lease must be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.: RULE TITLES:
68B-14.0039 Recreational Grouper Season
68B-14.0045 Commercial Harvest Requirements;
 Licenses, Season Closures, Bag and
 Trip Limits

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. 19, May 15, 2009 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-14.0039 has been changed to include the following new text.

68B-14.0039 Recreational Grouper Season.

In all state waters of the Gulf of Mexico, except in all waters of Monroe County, the closed season for the recreational harvest and possession of gag grouper, red grouper, black grouper,

yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp shall be from February 1 through March 31, each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-6-09, Amended _____.

Proposed amendment to Rule 68B-14.0045 has been changed to delete the following text.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.
- (a) through (d) No change.

~~(e)–~~ During the months of March and April each year, the harvest, possession, or landing in quantities greater than the recreational bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale, or exchange, of gag grouper, or black grouper harvested from state waters of the Atlantic Ocean and from all state waters of Monroe County, is prohibited.

~~2. Except as provided in 68B-14.0046, F.A.C., beginning February 1 and continuing through March 31 of each year, the harvest, possession, or landing of and the purchase, sale, or exchange, of gag grouper, black grouper, red grouper, yellowfin grouper, yellowmouth grouper, rock hind, red hind or scamp harvested from state waters of the Gulf of Mexico, except from all waters of Monroe County, is prohibited.~~

- (f) through (h) No change.
- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, 9-16-05, 3-10-06, 7-1-07, 4-1-08, _____.

No other changes were made to the rule amendments as proposed.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:
68B-14.0046 Transit Through State Waters During
 Closed Seasons

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-166.002
 RULE TITLE: Mediation of Commercial Residential Property Insurance Claims

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. 17, May 1, 2009 issue of the Florida Administrative Weekly.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S. The program established under this rule is prompted by the critical need for effective, fair, and timely handling of commercial residential property claims. This program is available to all first-party claimants and insurers prior to commencing the appraisal process set forth in their policies or commencing litigation. The program is also available to litigants referred to the Department from Circuit or County court. For claims which have not previously been mediated under any Department mediation program, the mediation procedures described in this rule are available to all commercial residential property claims for property located in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance, or to liability coverage contained in property insurance policies. This program does not apply to policies issued under the National Flood Insurance Program established under the National Flood Insurance Act of 1968. Personal lines residential insurance claims can be mediated pursuant to Rule 69J-166.031, F.A.C. a separate rule. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible.

- (2) through (3) No change.
- (4) No change.
- (a)1. No change.

2. ~~The mailing that contains the notice of the right to mediate may include the Department's consumer brochure on mediation but no other materials, forms, or documents may be included.~~ Notification shall be in writing and shall be legible, conspicuous, printed in at least 12-point type, and printed in typeface no smaller than any other text contained in the notice. The first paragraph of the notice shall contain the following statement: "The Chief Financial Officer for the State of Florida has adopted a rule to facilitate the fair and timely handling of commercial residential property insurance claims. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process after receipt of this notice by calling the Department of

Financial Services at 1(877)693-5236. The parties will have 21 days from the date of the notice to otherwise resolve the dispute before a mediation hearing can be scheduled."

3.a. through f. No change

4. Failure of an insurer to abide by this procedure and to notify the insured as required above will result in the insurer being referred to the Florida Office of Insurance Regulation for administrative action pursuant to Section 624.15, F.S.

(b) No change.

(c) Upon receiving a request for mediation, and after the expiration of the 21 day resolution period, the Administrator shall randomly select from the Department's list a mediator to conduct the mediation conference. The Administrator shall notify the mediator of his or her selection and indicate the names and addresses of the parties and their known representatives, their phone numbers (if known), the Department's file number, the date of the request for mediation, and that the mediation is to occur within 45 days of the request. The mediator will have three business days from the date of notification by the Administrator to accept or reject the selection. If the mediator rejects the selection or fails to accept the selection within three business days, or if the mediator is disqualified pursuant to paragraph (7)(e), then the Administrator shall randomly select another mediator. For all mediation requests under this rule, the time limits in this section shall not be applicable for two years following the declaration of a disaster. ~~Failure of an insurer to abide by this procedure and to notify the insured as required above will result in the insurer being referred to the Florida Office of Insurance Regulation. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.~~

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

(b) For two years following the declaration of a disaster, the amounts allocated to the mediator and the Administrator shall may be modified by the Department if and to the extent necessary to cover the cost of facilities to conduct the mediation, but in no event will the total cost for mediation exceed those listed in paragraph (6)(a) above.

(c) through (d) No change.

(7) through (8) No change.

(a)1. through 4. No change.

5. The mediator will notify the insured, insurer, and the Administrator in writing of the exact time, date, and location of the conference. In times of declared disaster, the Administrator shall require additional methods of communication such as telephone or email with the insured, if the Administrator determines such action is necessary to facilitate and expedite the mediation process.

(b) No change.

(c)1. No change.

2. The mediation conference also may be attended by persons who may assist a party in presenting his claim or defense in the conference, such as contractors, adjusters, engineers, and interpreters. The parties may not have separate counsel in the mediation conference unless requested by the insured or if the parties agree otherwise. If the insured elects to have an attorney participate in the conference, the insured shall notify the mediator of such participation ~~7~~ 14 days before the conference, unless the parties agree otherwise. Upon receipt of such notice from the insured, the mediator shall provide notice to the insurer that the insured will be represented at the mediation conference.

(d)1. No change.

2. Parties and their representatives must refrain from turning the conference into an adversarial process. A party will be determined not to have negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators, which is hereby incorporated by reference. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(e) through (g) No change.

(9) No change.

(a) The insurer shall pay the mediator's fee and the Administrator's fee. ~~The Department reserves the right to reduce fees based on consumer surveys and cost analysis.~~ All funds due the Department shall be remitted to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy and Research, 200 East Gaines Street, Tallahassee, Florida 32399-4212, together with a reference to the Department's file number, the claim number, identification of the parties, date of the mediation, and name of the mediator. These funds will be deposited in the Insurance Regulatory Trust Fund to defer Department costs.

1. No change.

2. Cancellation Due To Absence. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered an absence. Payment shall be as follows:

a. If the insured fails to appear at the conference, the conference shall be considered to have been held and the insurer must make payment in accordance with subsection (6)(a) of this rule. If the insured wishes to schedule a new conference after failing to appear, the insured shall pay a sum equal to the fees paid by the insurer for the first scheduled mediation. This sum shall be applied towards the second

mediation with the insurer paying the balance of the cost of that second mediation total cost of mediation for the new conference will be borne by the insured. The mediator's fee shall be payable directly to the mediator and the administrative fee shall be paid to the Administrator. The new conference shall be rescheduled only upon the insured's payment of the total cost of the mediation at the rate specified in subsection (6) of this rule.

b. If the insurer fails to appear at the conference, the insurer shall make payment for the conference in accordance with ~~paragraph subsection (6)(d)~~ of this rule. If the insurer fails to appear at the conference without good cause, the insurer shall pay the insured's actual cash expenses incurred in attending the conference and shall pay a second total cost of mediation for the rescheduled conference. Good cause includes severe illness, injury, or other emergency which could not be controlled by the insurer and could not reasonably be remedied by the insurer prior to the conference by providing a replacement representative. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the Department will report the failure to appear to the Florida Office of Insurance Regulation for administrative action pursuant to Section 624.15, F.S. as a potential violation of Florida law. The Florida Office of Insurance Regulation will take such further action as it deems appropriate.

~~(b) Any disputes regarding the amount of disbursement of funds shall be resolved by the Department.~~

~~(b) Any (e) Except as provided in subsection (8)(a)3., any expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.~~

(10) through (12) No change.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
 RULE TITLE: Procedure for Licensing a Monument Establishment
 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. 24, June 19, 2009 issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

Rulemaking Authority 497.103(1), ~~497.105(5)~~ FS. Law Implemented ~~120.60(2)~~, 497.361, 497.551 FS.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.002
RULE TITLE: Procedure for Licensing a Monument Establishment

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-164.040
RULE TITLE: Determining Reserve Liabilities for Preened Life Insurance

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. 20, May 22, 2009 issue of the Florida Administrative Weekly. Subsection (9) will read, "This rule is applicable to preened life policies and certificates as defined in paragraph (4)(c) issued on or after January 1, 2009."

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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."

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on June 30, 2009, the Criminal Justice Standards and Training Commission, received a petition for rule waiver from Clemente Martin. Petitioner wishes to waive subsection 11B-27.002(4), F.A.C. The Petitioner wishes to waive that portion of the rule requiring an officer to become employed within four years of starting basic recruit training. Petitioner was in the process of becoming employed at the time his four year window expired.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, (850)410-7676.

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

NOTICE IS HEREBY GIVEN THAT on July 29, 2009, the Suwannee River Water Management District, received a petition for variance from Ryan Bell, 13 N. E. 3rd Street, Chiefland, FL 32626, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement. The property owner has constructed an unpermitted deck within the 75-foot setback of the Suwannee River, located in Township 10 South, Range 14 East, Section 31, Dixie County. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 08-0245.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Robin Lamm, Business Resource Specialist, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.