

(1) Each building which is six or more stories in height, including, but not limited to, hotels and condominiums, on which construction is begun after ~~September 30, 2006~~ June 30, 2004.

(2) Any building in this state which is six or more stories in height that has undergone "substantial improvement" as defined in Section 161.54(12), F.S. (2005).

~~Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended _____.~~

69A-47.014 Compliance Dates.

Each existing building that is six stories or more in height must comply with these rules no later than October 1, 2009 ~~July 1, 2007~~.

~~Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Goodloe

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2009

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

Section III Notices of Changes, Corrections and Withdrawals

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:
33-103.005	Informal Grievance
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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

33-103.005 Informal Grievance.

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

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request

for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to receipt of this response. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

(5) No change.

~~Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, _____.~~

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 IV Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.:	RULE TITLE:
5CER09-1	Temporary Restrictions on Importation of Horses from Texas

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On October 20, 2009, the Texas Animal Health Commission announced that a Texas horse exhibiting clinical signs of Equine Piroplasmiasis (EP) had been diagnosed with the disease. In subsequent testing, in multiple counties in South Texas, over 280 horses have been determined to be positive for the disease.

EP is considered a foreign animal disease, not endemic to the United States. EP is a blood-borne parasitic disease primarily transmitted between horses by ticks or contaminated needles and is not directly contagious from one horse to another. Currently, EP is considered an untreatable disease and under state and federal agreement, all horses testing positive for EP must be quarantined for life or be euthanized. Ticks are the natural method of transmission of EP and those tick species which are known to be efficient at transmitting the EP organism are not believed to exist in Florida. If the tick vectors, detected in Texas, become established in Florida and facilitate the spread of EP among Florida's 500,000 horses, the impact would be devastating.

Acutely affected horses can have depression, fever, anemia (decreased red blood cells) jaundiced (yellow) mucous membranes and low platelet counts and can die from the

disease. In its milder form, EP can also cause horses to have roughened hair coats, constipation, colic, generalized weakness and lack of appetite. Some horses become chronic carriers of the disease showing little clinical signs but having the ability to transmit the disease to other horses via ticks. Treatment of infected horses has not been shown to be effective in eliminating the organism (*Theileria equi*) and infected horses must remain under quarantine.

In an EP incident in Florida in 2008-2009 the Department spent over 4,800 hours managing the disease and testing more than 200 horses. During the incident the owners of 20 positive horses elected to euthanize their animals. Additional industry losses were incurred as many horses were not imported into Florida during the peak winter show season and Canada required testing on Florida horses. While the disease investigation was costly, the impact was much less than could have been the case if a tick vector was present to spread the disease. Currently, it costs Texas more than \$14.0 million dollars a year in its efforts to eradicate a tick which transmits an EP like disease in cattle.

If EP infected horses or a species of tick efficient at transmitting the disease were established in the state countless Florida horses would have to be euthanized or quarantined for life. In addition, many states and countries would not allow importation of Florida's horses, potentially ruining the equine industry which produces goods and services of over \$3.0 billion per year.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule is fair and justified because it takes only the necessary actions to protect the public health, safety, and welfare by preventing the introduction and spread of this dangerous and transmissible disease and its vectors. The rule requires that horses intended for movement to Florida from Texas must be inspected and found free of ticks, be treated with a registered pesticide, and test negative for Equine Piroplasmiasis. The rule also provides an exemption for horses that leave the state destined for Texas, but return to the state within 30 days. The Department is undertaking an aggressive campaign to notify the public about the implementation of this rule. The Department is currently in the process of amending Chapter 5C-3, F.A.C., through formal rulemaking in an effort to incorporate similar provisions for a more permanent solution.

SUMMARY: This rule places restrictions upon the importation of horses from Texas to ensure they are not infected with Equine Piroplasmiasis (*T. equi*) or infested with tick vectors capable of transmitting this disease to other horses in Florida. The requirements in this rule are in addition to the import requirements set forth in Chapter 5C-3, Florida Administrative Code.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry,

Department of Agriculture and Consumer Services, 407 S. Calhoun St., Rm. 330, Mayo Bldg., Tallahassee, FL 32399-0800, phone (850)410-0900

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER09-1 Temporary Restrictions on Importation of Horses from Texas.

(1) Official Certificate of Veterinary Inspection (OCVI). Notwithstanding paragraph 5C-3.002(1)(c), F.A.C., the inspection date of the Official Certificate of Veterinary Inspection (OCVI) that must accompany horse(s) imported into or through the State of Florida must be within 14 days prior to entry into the state and must include the following statement: "All animals identified on this certificate have not been on a premises found positive for *T. equi* or under quarantine within the past 30 days, have been inspected and found free of ticks, and have been thoroughly treated with an approved acaricide labeled for use in horses within 14 days of entry."

(2) Testing. All horses identified on the OCVI must be tested negative for *T. equi* via the CELISA test, performed at the United States Department of Agriculture, Animal and Plant Health Inspection Service, National Veterinary Services Laboratories (USDA-APHIS-NVSL) or other laboratory authorized by the USDA-APHIS-NVSL. The blood sample for the test must be taken within 30 days prior to entry into Florida. The result and accession number must be listed on the OCVI.

(3) Tick Vectors. All horses identified on the OCVI must be examined for, and found free of, ticks and must be thoroughly treated for ticks with an United States Environmental Protection Agency (EPA) registered acaricide labeled for use in horses.

(4) Exemption. Horses from Florida consigned to Texas that are returned to Florida within 30 days of the issuance of the Florida OCVI are exempt from the requirements of this rule.

Rulemaking Authority 570.07(21), (23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History—New 11-18-09.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 18, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on November 12, 2009, the Suwannee River Water Management District has issued an order.

This Order granted variance under Section 120.542, F.S., to Clyde D. and Brenda K. Meziere, 1683 S. E. Boundary Bend Trail, Lee, FL 32059, for a Works of the District residence (ERP09-0208). The petition for variance was received by SRWMD on September 9, 2009. Notice of receipt of petition requesting variance was published in F.A.W., Vol. 35, No. 39, October 2, 2009. No public comment has been received. This Order provides a variance of SRWMDs criteria for paragraph 40B-4.3030(12)(b), F.A.C., as to the 75-foot setback requirement and subsection 40B-4.3030(9), F.A.C., as to the zero-rise certification requirement, within Township 2 South, Range 11 East, Section 32, Madison County. SRWMD granted the petition because the petitioners have demonstrated that the purpose of the statute underlying the rule will be met and that a substantial hardship would be created if the petitioners were required to comply with this rule.

A copy of the Order 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.

NOTICE IS HEREBY GIVEN THAT on November 13, 2009, the South Florida Water Management District ("District" or "SFWMD") has issued an order.

SFWMD Order No. 2009-284-DAO-ROW was issued to David Fox (Application No. 09-723-1). The petition for waiver was received by the SFWMD on August 14, 2009. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 35, No. 35, on September 4, 2009. No public comment was received. This

Order provides a waiver of the District's criteria to allow a portion of an existing fence enclosure, shed, trees and hedges within 40 feet of the top of the canal bank and an existing dock addition with buried water service, an existing patio and asphalt area to remain within the C-16 Canal right of way, Section 20, Township 45 South, Range 40 East, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), Florida Administrative Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Petitioner from a suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Russell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268 or by email: jurussel@sfwmd.gov.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Agency for Workforce Innovation, received a petition for Variance of subsection 60BB-4.100(22), F.A.C., which provides the definition of "working family" in the context of determining the eligibility to receive services for the state's school readiness program. The Petition was filed by the Early Learning Coalition of Indian River, Martin, and Okeechobee Counties, 10 S. E. Central Parkway, Suite 400, Stuart, Florida 34994.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on November 20, 2009, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety has received an order. That the order is denied as the petitioner has not met its burden to meet the intent of the code within a reasonable period of time, as submitted by: Hassan Ghalam of Tequesta Towers and, as specified in Section 120.542, Florida Statutes, titled Petition for Variance and Waiver (VW 2009-389).