

5. Purpose of the equipment:

(c) The length of the proposed original term and renewal terms of the proposed Financing Agreement in accordance with Section 287.063(2)(b), (3), F.S.:

(d) Availability of funds under the Program in accordance with Section 287.063(5), F.S.:

(e) Impact on the federal tax exemption of the interest portion of the consolidated rent payments under the proposed alternative financing in accordance with 26 CFR 1.103-1; and

(f) The alternative financing costs.

(4) The Chief Financial Officer shall calculate and determine compliance with any interest rate limitations applicable to the Financing Agreement that is determined to be exempt from the Program. For the purpose of determining compliance with interest rate limitations on any proposed Financing Agreement, interest rates shall not include administrative costs, surcharges and insurance expense related to the financing, which is determined to be exempt from the Program in accordance with Sections 287.063(1)(a) and 287.063(2)(a), F.S.

Rulemaking Authority 17.29, 287.063(2)(b) FS. Law Implemented 287.063, 287.064 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mike Rutherford (850)413-5594 or Mike.Rutherford@MyFloridaCFO.com

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2009

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

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.:  
1S-2.043

RULE TITLE:  
Electronic File Reporting Relating to  
Absentee Ballot Requests  
Information, Voting Activity, and  
Election Results

**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. 41, October 16, 2009 issue of the Florida Administrative Weekly.

1) The language in paragraph (b) entitled “File Transmission” under subsection (3), as relates to absentee ballot request information files is reworded as follows:

(b) File Transmission. The Supervisor shall transmit to the Division the electronic file compiled under paragraph (a) no later than noon Eastern Standard Time of the day after the day being reported. The file shall be sent daily beginning 45 days before the election or the first day absentee ballots are mailed in that county for the upcoming election, which is earlier. The last file shall be sent 10 days after the election. The daily file shall be sent even if there is no new information to report. The file shall be in the format specified in paragraph (c).

2) The language in subparagraph 3. of paragraph (c) entitled “File specifications” under section (3), as relates to absentee ballot request information files is reworded as follows:

For each registered voter’s record, the address included shall be the address to which the voter has requested that the ballot be sent. However, addresses must be redacted in the file for those registered voters who requested address protection pursuant to Section 119.07(4)(d), F.S.

3) Table 6, entitled “Voting History Header Record Layout,” that is located in paragraph (c) of subsection (7) of the proposed rule as relates to reporting of voting history, is replaced with the following table that contains corrected file specifications:

Table 6 Voting History Header Record Layout						
Field Position	Field	Type	Length	Required	Format	Comment
1	OperatorID	varchar2		N		May be blank
2	CountyID	varchar2	3	Y		Source of FTP File. Valid County ID, or FVRS or HSMV
3	TargetedCountyID	varchar2	3	Y		Intended Recipient. Valid County ID, or FVRS or HSMV

4	File Creation_TimeStamp	datetime		Y	MM/DD/YYYY HH24:MM:SS	Originating System TimeStamp
5	Source_Address	varchar2		Y		
6	FVRS County Interface Version	varchar2		Y		For supporting roll out of new system versions
7	County_Message_Identifier	varchar2	10	Y		10 character field that may be used by the county system to identify a specific FTP File.
8	Test_File	varchar2	1	Y		Y Indicates that the FTP file is a test file and should not update primary database.

4) Table 7, entitled “Voting History Footer Record Layout,” as located in paragraph (c) of subsection (7) of the proposed rule as relates to voting history, is to be replaced with the following table that reflect corrected file specifications:

Field Position	Field	Type	Length	Required	Format	Comment
1	TrailerId	varchar2	5		“TRALR”	Fixed string
2	Number of Response Rows	integer	8		Non zero integer	Number excludes header and trailer
3	MessageDigest	varchar2			128 or 160 bits	Length to be determined
4	End of Message Marker	varchar2	7		\\ETX\\	

5) Table 8, entitled “Voter’s Voting History Record” as located in paragraph (c) of subsection (7) of the proposed rule as relates to voting history, is revised to reflect codes “F” and “Z” to track and distinguish between provisional ballots counted as voted at an early voting site and those counted as voted at the polls, respectively.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend. The Department shall issue the stipend contract on the Department’s Design/Build Stipend Agreement, Form No. 700-011-14, Rev. 11/09, incorporated herein by reference.

**DEPARTMENT OF TRANSPORTATION**  
**RULE NO.:** 14-91.007  
**RULE TITLE:** Selection and Award Process  
**NOTICE OF CHANGE**

(b) Stipend compensation will be based upon estimated proposal development costs and the degree of engineering design during the procurement process in accordance with the following guidelines:

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. 33, August 21, 2009 issue of the Florida Administrative Weekly.

(9) When included in the contract solicitation, the Department shall pay a lump sum stipend to shortlisted firms who are not selected, but have submitted responsive design-build proposals. The Department reserves the right to use any of the concepts, ideas, technologies, techniques, methods, processes, and information that are contained within the proposals without any further compensation.

Contract Value	Complex Urban & Rehabilitation Projects	New Construction Projects	Compensation Range
<\$5M	0.0050 x Estimate	0.0040 x Estimate	\$15K – \$25K
\$5M – \$20M	0.0030 x Estimate	0.0025 x Estimate	\$15K – \$60K
\$20M – \$50M	0.0020 x Estimate	0.0018 x Estimate	\$36K – \$100K
\$50M – \$100M	0.0015 x Estimate	0.0012 x Estimate	\$60K – \$150K
>\$100M	0.0012 x Estimate	0.0010 x Estimate	\$100K +

The actual stipend compensation will vary based on the nature of the work, complexity of the project, technical expertise required, and the value of the work product to the Department. The amount and conditions of the stipend compensation will be included in the Department’s solicitation.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the proposal.

**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.”

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

RULE NOS.:	RULE TITLES:
18-24.001	General and Definitions
18-24.002	Public Purposes and Categories of Projects Qualifying for Funding
18-24.0021	Florida Forever Criteria
18-24.0022	Florida Forever Goals and Numeric Performance Measures
18-24.003	Application Procedures and Requirements
18-24.004	Initial Review of Project Proposals
18-24.005	Full Review of Project Proposals
18-24.006	Council Evaluation and Grouping
18-24.007	Board of Trustees Consideration
18-24.008	Capital Improvement and Restoration Proposals

**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. 44, November 6, 2009 issue of the Florida Administrative Weekly.

18-24.001 General and Definitions.

(1) This chapter is promulgated to set forth the procedures, standards, and criteria for the evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund pursuant to paragraph 259.105(3)(b), F.S. Florida Statutes and to set forth the performance measures for all programs funded pursuant to subsection 259.105(3), F.S.

(2) For the purposes of this chapter, the following terms are defined as follows:

(a) “Acquisition project” means a parcel or parcels of land proposed for acquisition in accordance with paragraph 259.105(3)(b), F.S., and this rule.

(b) No change.

(c) “Capital improvement project” means a proposed or approved activity which may be either a “restoration project” as defined in paragraph 18-24.001(2)(t)(+), F.A.C., or “other capital improvement project”, as defined in paragraph 18-24.001(2)(q)(+), F.A.C.

(d) “Component of the Everglades restoration efforts” as used in paragraph 259.105(9)(i), F.S. Florida Statutes, means a project which assists in achieving the restoration or acquisition objectives outlined in Sections 373.4592, 373.470, 373.1501 and 373.4595, F.S. Florida Statutes, except as restricted by the terms of Chapter 259, F.S.

(e) “Council” means the Acquisition and Restoration Council, pursuant to Section 259.035, F.S.

(f) No change.

(g) “Ecosystem management team” as used in paragraph 259.105(9)(h) F.S. means a team of citizens and agency representatives, formed and administered by the Department of Environmental Protection under its watershed or ecosystem management initiative.

(h) “Florida Forever Conservation Needs Assessment” refers to an analysis of the geographic distribution of Florida’s natural resources as required by the Florida Forever Act and developed in December 2000 and continually updated for the Department of Environmental Protection by the Florida Natural Areas Inventory in collaboration with the Department of Environmental Protection, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the University of Florida, the water management districts, the Department of State’s Division of Historical Resources, and other agencies and organizations with scientific or technical information on the natural, historical or recreational resources of Florida, incorporated herein by reference.

~~(i)(+)~~ “Florida Forever criteria” means the criteria outlined in subsections 259.105(9), F.S., and further defined in Rule 18-24.0021, F.A.C as amended herein pursuant to section 259.035(4)(b).

(j) “Florida Forever goals and measures” means the goals and measures outlined in subsection 259.105(4), F.S., and further defined in Rule 18-24.0022, F.A.C as amended herein pursuant to section 259.035(4)(b).

(k) No change.

(l) “Fund” means the Florida Forever Trust Fund that is created by Section 259.1051, F.S.

(m) “Funding sources that are identified and assured through at least the first two years of the project” as used in paragraph 259.105(9)(e), F.S., means a funding source for a project for which a participating agency, entity, partner, or any combination thereof, has pledged in writing to pursue, through an identified funding source or sources, the resources required to manage or maintain the project for at least two years

following the execution of a lease or management agreement, or for at least two years following receipt of specific authority from the Board to proceed with an approved project.

(n) "Less-than-fee acquisition", as used in Chapter 259, F.S., and in this chapter, means acquisition of an interest in property that is not a full fee simple interest, such as a conservation easement.

(o) "Natural areas" as used in subparagraphs 259.105(2)(a)2. and 3., F.S., means areas of land or water that either retain or have re-established the characteristics of natural communities.

(p) "Ongoing governmental effort" as used in paragraph 259.105(9)(b), F.S., means an ongoing initiative of a federal, state, regional or local government that contributes to the accomplishment of the Florida Forever goals and measures.

(q) "Other capital improvement project" means a proposed or approved capital improvement activity relating to the development of necessary infrastructure such as the "construction, improvement, enlargement or extension of facilities, signs, firelanes, access roads, and trails; or any other activities that serve to ... provide public access, recreational opportunities, or necessary services," as enumerated in subsection 259.03(3), F.S. but excluding restoration projects as defined in paragraph 18-24.001(2)(~~t~~), F.A.C.

(r) "Project Evaluation Report" means a report prepared in accordance with Rule 18-24.005, F.A.C., for use by the Council in determining the merits and characteristics of a proposal for funding through the Florida Forever program.

(s) No change.

(t) "Restoration project" means a proposed or approved capital improvement project such as ecosystem restoration, hydrological restoration, or invasive plant removal that do not qualify as an "other capital improvement project" as defined in paragraph 18-24.001 (2)(~~q~~), F.A.C.

(u) "Significant archaeological or historical value" as used in paragraph 259.105(9)(d), F.S., means a resource deemed of such significance by the Department of State, Division of Historical Resources.

(v) No change.

18-24.002 Public Purposes and Categories of Projects Qualifying for Funding.

(1) Projects proposed to be funded pursuant to paragraph 259.105(3)(b), F.S., must meet at least one of the criteria outlined under subsection 259.105(9), F.S., and further described in Rule 18-24.0021, F.A.C., and shall meet at least two of the Florida Forever measures outlined in subsection 259.105(4), F.S., and further described in Rule 18-24.0022, F.A.C.

(2) To qualify for funding under paragraph 259.105(3)(b), F.S., a project also must be selected pursuant to the provisions of this rule, except as follows:

(a) An inholding or an addition to a project acquired by the Fund under paragraph 259.105(3)(b), F.S., if the estimated value of the inholding or addition does not exceed \$500,000, and the managing agency demonstrates in writing to the Division of State Lands that such inholding or addition is in furtherance of the public purpose established for the original acquisition project, or of the current public purpose, if changed;

(b) No change.

(c) Lands which qualify for emergency acquisition by the Board, under the Emergency Archaeological Property Acquisition Act of 1988, Section 253.027, F.S. Florida Statutes;

(d) Lands which qualify for emergency acquisition by the Board pursuant to paragraph 259.041(15)(c), F.S., when a significant portion of the lands contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities;

(e) through (f) No change.

18-24.0021 Florida Forever Criteria.

For acquisition projects, the council shall give weight during project selection and ranking to the following Florida Forever criteria:

(1) The project meets multiple Florida Forever goals described in Rule 18-24.0022, F.A.C.

(2) through (12) No change.

18-24.0022 Florida Forever Goals and Numeric Performance Measures.

(1) The Florida Forever goals and measures described in this rule apply to all programs that receive Florida Forever Trust Funds pursuant to Section 259.105(3), F.S. Some goals and measures are specific to acquiring land, while others are primarily measures for capital improvement expenditures. Some measures are not directly related to Florida Forever program activities per se, but are general ecosystem function measures that may have an indirect connection or a post-acquisition land management or land use component. Some measures are specific to one or more of the programs funded under Florida Forever pursuant to Section 259.105(3), F.S., while the majority of the goals and measures overlaps with several programs.

(2) The council shall employ the following Florida Forever goals and measures when evaluating, selecting and ranking acquisition projects. Numeric values for these measures shall be supplied to the Council pursuant to paragraph 18-24.006(3)(c), F.A.C.:

(a) through (b) No change.

(c) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. No change.

2. The number of acres proposed to be acquired for restoration, enhancement, and management as identified in plans prepared pursuant to Section 373.199, F.S., the management prospectus for an acquisition project prepared pursuant to Section 259.032(9)(d), F.S., or the Florida Ecological Restoration Inventory, which is maintained by the Department of Environmental Protection's Division of Water Resource Management and available at [www.dep.state.fl.us/water/wetlands/feri](http://www.dep.state.fl.us/water/wetlands/feri) or by writing: Florida Wetland Restoration Information Center, 2600 Blair Stone Road, M.S. 3500, Tallahassee, Florida 32399; or by calling (850)245-8336.

3. through 7. No change.

(d) Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:

1. The number of acres proposed to be acquired which provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans, as identified by the water management districts in plans prepared pursuant to Section 373.199, F.S.

2. The number of acres proposed to be acquired for a water resource development project, as identified in plans prepared pursuant to Section 373.199, F.S.

3. No change.

(e) through (g) No change.

(h) Increase the amount of open space available in urban areas, as measured by:

1. No change.

2. The number of linear feet proposed to be acquired to protect working waterfronts, as defined in Section 380.503(18)(a) and (b), F.S.

(3) For capital improvement project proposals the following goals and measures are applicable:

(a) Protect, restore, and maintain the quality and natural functions of land, water and wetland systems of the state, as measured by:

1. No change.

2. The proposed percentage completion of targeted capital improvements in surface water improvement and management plans created pursuant to Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans if such project were funded.

3. No change.

(b) through (c) No change.

(4) The following list includes Florida Forever performance measures that may not directly relate to land acquisition, selection, or capital improvement expenditures, but are general ecosystem function measures that may have an

indirect connection or measures that have a post-acquisition, land management or land use component that was not captured in subsections (2) and (3) above:

(a) Protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:

1. No change.

2. The percentage of water segments that fully meet, partially meet, or do not meet their designated uses as reported pursuant to Section 259.105(4)(c)2., F.S., in the Department of Environmental Protection's State Water Quality Assessment 305(b) Report.

3. The percentage completion of targeted capital improvements in surface water improvement and management plans created under Section 373.453(2), F.S., regional or master stormwater management system plans, or other adopted restoration plans.

4. through 6. No change.

(b) through (f) No change.

(5) No change.

(6) Statewide, uniform data sets shall be developed for each geographic-based numeric performance measure that is a component of the Florida Forever Conservation Needs Assessment. Each geographic-based data set shall attempt to identify and establish priorities for each performance measure. ~~The Council may conduct one or more public workshops to receive scientific and technical advice on establishing targets for each of the geographic-based performance measures listed in subsection (2) as components of the Florida Forever Conservation Needs Assessment.~~

18-24.003 Application Procedures and Requirements.

(1) through (2) No change.

(3) All acquisition project applications shall include the following:

(a) through (d) No change.

(e) A written statement from the applicant asserting that each owner has been contacted in compliance with subparagraph 259.105(7)(b)2., F.S.

(f) Eighteen copies of a written description of the lands being proposed for acquisition, including all of the following:

1. through 5. No change.

6.a through c. No change.

d. For criterion subsections 18-24.0021(10), F.A.C., the applicant shall provide a ~~notarized affidavit~~ written statement, signed by the landowner, indicating the landowner's willingness to sell their property at 80 percent or less of the state's appraised value.

e. No change.

(g) No change.

(4) No change.

18-24.004 Initial Review of Project Proposals.

(1) through (2) No change.

(3) An acquisition proposal that was not selected for the full review list shall be reconsidered by the Council during a subsequent review cycle if all of the following conditions are met:

(a) A written request for resubmission and a complete application is received in accordance with Rule 18-24.003, F.A.C.;

(b) and (c) No change.

18-24.005 Full Review of Project Proposals.

(1) No change.

(2) For all acquisition project applications voted by the Council to receive full review, a Project Evaluation Report shall be prepared by staff and presented to the Council. The Project Evaluation Report shall:

(a) through (b) No change.

(c) Provide the Council with each reporting element required by subsection 259.105(15), F.S. Florida Statutes.

(d) No change.

(e) Include a confirmation of the project boundary as contained in the application and recommend boundary adjustments needed for resource protection, acquisition planning, and management, within the constraints of subparagraph 259.105(7)(b)2., F.S. This shall include a recommendation for which portions of the project required to be purchased, if any, might be declared surplus to the purposes of the project.

(f) Include a recommended manager for the project and a brief rationale for the recommendation, a management policy statement, and a management prospectus prepared pursuant to Section 259.032, F.S. Florida Statutes.

(3) through (5) No change.

18-24.006 Council Evaluation and Ranking.

(1) Following full review, the Council shall develop a list of projects for consideration by the Board in accordance with the provisions of paragraph 259.105(3)(b), ~~Florida Statutes F.S.~~, and subsections 259.105(4), (8), (9), (10), (13), (14), (15), and (16), ~~Florida Statutes F.S.~~

(2) Following the full review of projects pursuant to Rule 18-24.005, F.A.C., the Council shall select projects for inclusion on the list. An affirmative vote of at least five council members shall be required to place a project on the list to be presented to the Board. The Council may provide recommendations to the Division of State Lands on which category or categories to place each land acquisition project, or portions thereof.

(3) The Division of State Lands shall categorize the list pursuant to Section 259.105(17), F.S., in preparation for work plan development. The Council shall evaluate the entire list of

approved projects and rank them individually in numerical priority order within each category for consideration by the Board as follows:

(a) When assigning priority rankings to projects the Council shall give increased priority to those projects that meet the provisions of the Florida Forever criteria described in paragraphs 259.105(9)(j) and (l), F.S., as further described in subsections (10) and (12) of Rule 18-24.0021, F.A.C. and in subsection 259.105(10), F.S., as described in paragraph (3)(b) of this rule.

(b) No change.

(c) Priority rankings for each project shall be determined by the Council based on the results of the full review detailed in Rule 18-24.005, F.A.C., a comparative analysis of each project's ability to meet the Florida Forever goals and measures and the Florida Forever criteria as identified in Rules 18-24.0021 and 18-24.0022, F.A.C., and additional information as identified in paragraphs (a), (b), and (d). As an initial information source for conducting this comparative analysis, the Department of Environmental Protection shall provide the council a comparative analysis and evaluation of each Florida Forever Project, which shall include rankings for each geographic-based resource type outlined in the subsection 18-24.0022(2), F.A.C., as well as rankings based on an efficient resource analysis using a computer modeling approach to conservation reserve design that involves iterative site selection, which describes those projects offering the greatest return in resource protection given the estimated acreage likely to be acquired by the Florida Forever Program. ~~The Council may conduct a public workshop to receive scientific and technical advice on establishing targets for each of the geographic-based resources being measured and evaluated pursuant to subsection 18-24.0022(6), F.A.C.~~ The Department also shall provide the council with a matrix of the criteria met by each project including the criteria described in paragraph (b), as well as information on the current status of negotiations to acquire property on the Division of State Lands work plan as described in subsection (6). The Council shall ~~may~~ also consider any other contributing technical analysis of Florida Forever projects submitted by Council members, other organizations or persons in conducting its review of projects for priority ranking.

(d) No change.

(4) No change.

(5) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially toward projects in High ~~Resource~~ Priority Group of the work plan developed pursuant to subsection (6). However, the Board may approve the purchase of any project from any group in furtherance of the intent expressed in paragraph 259.105(2)(e), F.S.

(6) The Division of State Lands shall prepare a categorized acquisition work plan pursuant to s. 259.105(17), F.S. The work plan shall be submitted to the Council at a public meeting. After receiving public testimony during at least one public meeting or hearing, the Council shall consider ~~may require~~ the Division's ~~to amend~~ the work plan and, when ~~but,~~ ~~onee~~ satisfied, shall adopt the work plan by a majority vote of its members. A copy of the work plan shall be provided to the Board no later than October 1 of each year. The Division of State Lands will use the Council's priority list to develop its work plan. Projects in each of the work plan categories shall be placed in priority groups as follows:

(a) No change.

(b) Medium Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not of the highest priority. The acreage of projects designated for the Medium Priority Group shall be limited to the middle ranked 33% or less of the acreage of projects within each category on the list, as determined by the Council.

(c) Low Priority Group: Those acquisition projects proposed for approval that are considered by the Council to be important, but not as important as those included in the high and medium resource priority groups. The Low Priority Group shall include at least the lowest ranked 33% of the acreage of projects within each category on the list, as determined by the Council.

18-24.007 Board of Trustees Consideration.

(1) The Board shall receive at a regularly scheduled public meeting, at least semiannually, the report of the Council pursuant to subsection 259.105(15), ~~Florida Statutes F.S.~~, and act on the recommendations contained in that report pursuant to subsection 259.105(14), ~~Florida Statutes F.S.~~

(2) The Council's report will include a list of owners who have requested by certified mail that their property be removed from the list, and maps of the locations of such property, and the Council's recommendations for whether or not the Board should add such property back on the list. The Board may add those properties back into projects pursuant to the provision of subparagraph 259.105(7)(b)2., ~~Florida Statutes F.S.~~

(3) No change.

18-24.008 Capital Improvement and Restoration Proposals.

(1) In order for a capital improvement project, whether restoration or other, to be eligible for access to the Fund, pursuant to paragraph 259.105(3)(b), ~~Florida Statutes F.S.~~, the project must be presented for the consideration of the Council in an application from the managing entity, for work on lands ~~acquired from the Fund pursuant to Chapter 259, F.S.~~

(2) All capital improvement projects, whether restoration or other, which are presented in an application to the Council for funding consideration, must be contemplated in a

prospectus or a land management plan submitted and approved pursuant to Sections 253.034 and 259.032, ~~Florida Statutes F.S.~~

(3) through (6) No change.

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-11.009  
 RULE TITLE: Reemployment with an FRS-covered Employer after Retirement

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-2.322  
 RULE TITLE: 20 Year Permit Requirements

**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. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to proposed Rule 40D-2.322, F.A.C., which is related to other proposed amendments to Rules 40D-1.607, 40D-2.091, 40D-2.301, and 40D-2.321, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Additional laws implemented are added to Rule 40D-2.322 and subsection 40D-2.322(3), F.A.C., is substantially reworded so that it will read as follows:

40D-2.322 20 Year Permit Requirements.

(1) through (2) No change.

(3) For 20 year General and Individual Public Supply Permits, at years 10 and 15 of the permit the permittee shall submit an analysis and summary of the long-term trends over the reporting period and through the term of the permit that addresses population growth based on the District's BEBR medium based GIS model or equivalent methodology, non-population based factors such as large industrial or other uses, other water demand, and per capita use. If the reporting period demands are less than 90% of the projected demands as reflected in the permit for that period or for the remainder of the term of the permit, the permittee shall demonstrate a legal, technical or other type of hardship as to why the permitted demand should not be reduced to an allocation based on actual demands experienced through the reporting period and demands projected through the remaining term of the permit. Within 90 days of a District notification to the permittee that

the demonstration was not made, the permittee shall submit a request to modify the permit allocation consistent with actual and projected demands.

(4) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.236, 373.250 FS. History–New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.:                   RULE TITLE:  
59A-7.020                   Definitions

**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. 45, November 13, 2009 issue of the Florida Administrative Weekly.

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of specialty and subspecialty shall contain:

1. through 10. No change.

11. Information ~~Such other information~~ requested on AHCA Form 3170-2004B, Initial Clinical Laboratory Licensure Application, September, 2009, or AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, or ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, ~~necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S. as applicable to the laboratory operation.~~ AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency, are and is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHQ/Health Facility Regulation/Laboratory Licensure/application.s.shtml>.

(b) The application for renewal licensure shall contain:

1. through 6. No change.

7. Information ~~Such other information~~ requested on AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September 2009, and ~~or~~ AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, ~~necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S., as applicable to the laboratory operation.~~ AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September,

2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009 shall be obtained from the agency and are is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHQ/Health Facility Regulation/Laboratory Licensure/applications.shtml>.

(c) In addition to information required under paragraphs 59A-7.021(1)(a) and (b), F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C., and Chapter 408, Part II, F.S., must also submit:

1. through 2. No change.

(2) through (9) No change.

(10) Laboratories are prohibited from performing testing for which they are not authorized as indicated on the clinical laboratory license. The performance of unauthorized testing shall result in administrative action as authorized under Section 483.221, and Sections 408.812, 408.813, 408.814, 408.815, 408.816, 408.817 and 408.831, F.S.

(11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, ~~483.091, 483.101(4), 483.111, 483.172, 483.181, 483.221, 483.23, 408.303,~~ 408.804, 408.805, 408.806, 408.807, ~~408.808, 408.809, 408.810, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831~~ FS. History–New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.:                   RULE TITLE:  
61B-19.0015               Filing Education and Training Programs

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly. The previously filed rule number 61B-19.002 is being changed to 61B-19.0015.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Regulatory Council of Community Association Managers**

RULE NO.:                   RULE TITLE:  
61E14-3.002               Special Assessment

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 40, October 9, 2009 issue of the Florida Administrative Weekly has been withdrawn.



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: RULE TITLE:  
61G6-5.002 Application for Certification by Examination; Reexamination

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: RULE TITLE:  
61G6-5.003 Application for Examination for Certification

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: RULE TITLE:  
61G6-5.009 Endorsement

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: RULE TITLE:  
61G17-5.0043 Obligations of Continuing Education Providers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: RULE TITLE:  
61G17-9.005 Mediation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 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 HEALTH**

**Board of Acupuncture**

RULE NO.: RULE TITLE:  
64B1-4.001 Acupuncture Program Requirements

**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. 11, March 20, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated August 6, 2008, and comments from the public at the rule hearing on December 3, 2009.

The rule shall read as:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination or to be eligible for licensure by endorsement, the applicant must establish that he/she has met the following minimal requirements.

(1) No change.

(2) Applicants who apply for licensure on or after August 1, 2001 must have completed a core curriculum comparable to that of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master's level program in oriental medicine with a minimum of 2700 hours of supervised instruction;

~~(a) 15 hours of supervised instruction in universal precautions; and~~

~~(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter.~~

~~(3) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master's level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction;~~

~~(3)(a) All applicants must successfully complete 15 hours of supervised instruction in universal precautions; and~~

~~(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter. For purposes of the Florida Statutes and Rules and HIV/AIDS requirements imposed by this chapter for initial licensure, the term "supervised instruction" shall mean instruction in a Board approved continuing education program or in a program offered at an ACAOM accredited oriental medicine school.~~

(4) No change.

Rulemaking Specific Authority ~~457.102~~, 457.104, 457.105 FS. Law Implemented ~~456.033, 457.102~~, 457.105 FS. History–New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, 10-11-04, 10-24-04, 5-30-07,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-6.005  
RULE TITLE: Standards for Approval of Continuing Education Credit

**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. 21, May 29, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated June 16, 2009, and comments from the public at the rule hearing on December 3, 2009.

The rule shall read as:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) through (4) No change.

(5) To receive credit for programs on HIV/AIDS at the licensee’s first renewal, the program must be, at a minimum, three (3) two (2) hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions.

(6) Continuing education programs ~~related to laboratory test or imaging findings~~ shall be designed to provide course content on the clinical relevance of ~~laboratory and diagnostic tests and procedures as well as~~ biomedical sciences physical examination findings and to advance, extend or enhance the licensee’s skills and knowledge in biomedical sciences ~~related to the safe and beneficial use of laboratory test and imaging findings~~.

Rulemaking Specific Authority 456.013(9), 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History–New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, 1-7-03,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.0081  
RULE TITLE: Notice Required for Buildings with Light-frame Truss-type Construction

**NOTICE OF CORRECTION**

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. 41, October 16, 2009 issue of the Florida Administrative Weekly.

RULE 69A-60.008 HAS BEEN RENUMBERED AS 69A-60.0081 SINCE RULE NUMBER 69A-60.008 HAD PREVIOUSLY BEEN USED AND REPEALED.

**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 STATE**

NOTICE IS HEREBY GIVEN THAT on December 9, 2009, the Department of State has issued an order.

Subparagraph IT-1.001(15)(b)9., F.A.C. requires that an organization approved for a state matching share for the Cultural Endowment Program and placed on the priority list, waiting for legislative funding, must be removed from the priority list if the organization chooses to expend its own matching share. Notice of the petition was published in the August 28, 2009 issue of the Florida Administrative Weekly. No public comments were received. On December 9, 2009, the Department of State entered an order denying the rule variance because the rule was violated prior to the filing of the organization’s petition for variance.

A copy of the Order may be obtained by contacting: Charlotte Wheeler, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6536.