

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2010  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 2010

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.                      RULE TITLE:  
 IS-2.037                      Provisional Ballots  
    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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The changes are made in response to public comment and are as follows:

Subsection (1) is revised to read:

(1) ~~Notice of Rights to Provisional Ballot Voters. A written notice, entitled "Notice of Rights for Provisional Ballot Voters" must be provided to each person who casts a provisional ballot, and shall be entitled "Notice of Rights to Provisional Ballot Voters." The notice must include the following: instructions shall contain.~~

(a) ~~Contact information for the Supervisor of Elections including phone number, facsimile number, e-mail address, mailing address and office address. Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.~~

(b) ~~The following statements: statement~~

1. "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

~~(c)1. Applicable before January 1, 2008. The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the third day following the election.~~

2. ~~Applicable on or after January 1, 2008. The statement "You have the right to may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the second day following the election."~~

3. "ATTENTION: If you voted this ballot because we could not verify your Florida driver's license number, Florida state identification card number or the last four digits of your social security card number, bring your card in person or provide a copy via mail, fax or email to the Supervisor by the deadline.

~~(d) The statement "If you voted this a provisional ballot solely because you did not have the proper photo and signature identification, you do not have to provide any further evidence. Your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections.~~

4. "You have the right to find out if your ballot was counted, and if not, the reason why. [Insert instructions on how voter can access that information]."

Subsection (3) is also revised to remove reference to the activator card which is no longer used as a functioning part of the provisional ballot process for the Sequoia Touchscreen Voting System.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.:                      RULE TITLE:  
 5E-1.023                      Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)

**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. 51, December 24, 2009 issue of the Florida Administrative Weekly.

5E-1.023 Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs).

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

(b) Citrus. The document titled Nitrogen Best Management Practices (BMPs) for Florida Ridge Citrus dated 7-23-2002, and the associated recordkeeping requirements dated 7-23-02 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301. "Ridge Citrus" Growers must submit a Notice of Intent to Implement the Best Management Practices for Florida Ridge Citrus, DACS-01328, Rev. 02/10, hereby adopted and incorporated by reference, for the "waiver

of liability” from the recovery of costs or damages associated with nitrate contamination of groundwater, Section 576.045 (4), F.S., and the “presumption of compliance” with state nitrate groundwater quality standards, Section 576.045 (5), F.S. Copies of the form may be obtained from the Department of Agriculture and Consumer Services, Office of Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, or from the website <http://www.doacs.state.fl.us/onestop/forms/01328.pdf>.

(5) No change.

Rulemaking Specific Authority 403.067(7)(c)2., 576.045(6) FS. Law Implemented 403.067, 576.045 FS. History—New 10-16-96, Amended 5-1-01, 10-17-02, 2-4-03, 11-21-07, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-1.0081	Charter Schools Financial Conditions.
6A-1.0421	Temporary Inability of Superintendent of Schools to Perform the Duties of Office
6A-1.0691	Procedures for Appealing a District School Board Decision

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-1.0391	Grading System for State-Approved Supplemental Educational Services Providers
6A-1.0451	Florida Education Finance Program Student Membership Surveys
6A-1.045111	Hourly Equivalent to 180-Day School Year
6A-1.0943	Statewide Assessment for Students with Disabilities
6A-1.09430	Florida Alternate Assessment Requirements
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-1.09412	Course Requirements – Grades K-12 Basic and Adult Secondary Programs
6A-1.099811	Differentiated Accountability State System of School Improvement

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
6A-1.09514	Excused Absences for Religious Instruction or Holiday
6A-1.0956	Suspension on the Basis of Felony Charges

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLES:</b>
6A-4.02451	Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-5.071	Master Inservice Plan Requirements

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-6.03012	Special Programs for Students Who Are Speech and Language Impaired
6A-6.0571	Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks
6A-6.0785	Charter School Applicant Training Standards

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.0788	Notice Requirements for Charter School Performance Data

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to May 18, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-6.030121	Exceptional Education Eligibility for Students with Language Impairments.

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 8, February 26, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-10.0312	Minimum Standards of College-Level Communication and Computation Skills
6A-10.0314	Applications of College-Level Communication and Computation Skills in State Universities and Community Colleges
6A-10.0317	Participation in the College-Level Communication and Computation Skills Testing Program by Nonpublic Postsecondary Institutions

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to March 26, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-10.044	Residency for Tuition Purposes

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to May 18, 2010.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-14.064	Dual Enrollment/Early College Programs

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 Florida Administrative Weekly has been continued from March 16, 2010 to May 18, 2010.

**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:
33-210.101	Routine Mail

**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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

33-210.101 Routine Mail.

(1) through (9) No change.

(9) Inmates shall not use correspondence privileges to solicit or otherwise commercially advertise for money, goods, or services. For the purposes of this rule this includes advertising for pen-pals; inmates are not prohibited from corresponding with pen pals, but shall not place ads soliciting pen pals. Inmates who post ads or have ads posted with the assistance of another person shall be subject to disciplinary action. If an inmate alleges that an ad was posted without his assistance or permission or that the ad was placed before the

restriction on soliciting pen-pals became effective, it is the responsibility of the inmate to request that the ad be removed by submitting a written request to the owner, operator, or administrator of the forum in which the ad is located if it is reasonably possible for the Department to identify the physical address of such entity. No inmate shall be subject to discipline if the ad is not removed subsequent to submission of the written request. If it is not reasonably possible for the Department to identify the physical address of the owner, operator, or administrator of the forum in which the ad is located, the inmate must submit Form DC6-236, Inmate Request, to the warden indicating that the ad was placed without the inmate's knowledge or consent or that it was placed prior to the restriction on solicitation of pen-pals. The inmate shall be subject to disciplinary action only if it is discovered that the inmate solicited the ad and ~~or~~ that it was placed subsequent to the restriction on solicitation of pen-pals.

(10) through (22) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:  
59A-35.065 License Renewal

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE NOS.: RULE TITLES:  
60H-1.001 Definitions  
60H-1.002 Department Approval of Space Need  
60H-1.003 Use of Approved Forms  
60H-1.015 Procurement of Leases of 5,000 Square Feet or More  
60H-1.016 Procurement of Leases of Less Than 5,000 Square Feet  
60H-1.017 Turnkey (Lease) Construction Program  
60H-1.021 Department Prior Approval  
60H-1.022 Department Final Approval  
60H-1.023 Lease Modifications  
60H-1.024 Lease Extensions  
60H-1.025 Disclosure Statements

60H-1.0261 Change of Ownership  
60H-1.028 Information and Forms  
**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. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

60H-1.001 Definitions.

(5) "Certificate of Compliance" shall mean the Department's form with which an Agency confirms ~~conforms~~ that a lease was executed in compliance with all leasing criteria as provided in Chapter 255, Florida Statutes.

Rulemaking Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.249, 255.25(2), 255.503 FS. History--New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001, Amended 4-27-04,\_\_\_\_\_.

60H-1.002 Department Approval of Space Need.

(2) The requesting Agency shall:

(a) Submit Department Form 4105 "Request for Space Need" effective May 2010 incorporated by reference in this rule, which clearly states:

1. The contact details for the requesting Agency; and
2. The square footage and location of the desired Lease; and
3. The intended procurement method.

(b) Submit Department Form 4100 "Space Allocation Worksheet" effective May 2010 incorporated by reference in this rule, completed in compliance with Rule 60H-1.0021, Florida Administrative Code; and

(c) Acknowledge that no suitable State-owned space would meet the leasing needs being sought.

60H-1.003 Use of Approved Forms.

(3) Any Agency request for changes to an approved form or for use of an alternate form shall be submitted to the Department in writing and state with reasonable particularity why the form modification or use of alternate form is necessary and in the Best Interests of the State. The request shall also contain the following:

(a) Verification from the agency that the Best Interests of the State are met with the request; and

(b) Agency's general counsel's approval that the use of the requested language is consistent with all applicable laws.

Rulemaking Specific Authority 255.249(5), 255.25(2) FS. Law Implemented 255.249 (4)(b), (e), (k), 255.25(2) FS. History--New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03, 4-27-04, 7-12-07,\_\_\_\_\_.

60H-1.015 Procurement of Leases of 5,000 Square Feet or More.

(5) Respondent requirements detailed in a Competitive Solicitation shall state that lessor shall:

(a) Indicate whether proposed leased space is in an Energy Star Rated Building Rating, as determined by the United States Department of Energy; and

(c) If ownership is considered foreign to the State of Florida a certificate of authority pursuant to Section 6067.1501, Florida Statutes must accompany the response. Lessor must include proof of the lessor's authority to offer the facility, i.e., copy of lessor's option to purchase (if the lessor is not the owner or owner's representative). This option must be valid through the time period stated in the solicitation for which responses may not be withdrawn.

(6) Replacement Lease.

If the Agency determines that it is in ~~their~~ its best interest to remain in their present location a replacement lease may be negotiated 12 to 18 months prior to lease expiration if:

(a) An independent comparative market analysis demonstrates that the rental rates of the replacement lease will be at or below the total of the market rates for a comparable lease plus moving costs; and

(b) The term does not exceed the base term of the lease being replaced; and

(c) All other leasing requirements are met.

Rulemaking Specific Authority 255.249(4) FS. Law Implemented 255.249(2)(b), (4), 255.21, 255.25(3), (5), (7), 255.254, 255.257(4) FS. History--New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, 4-27-04, 7-12-07, \_\_\_\_\_.

60H-1.016 Procurement of Leases of Less Than 5,000 Square Feet.

(1) For all leases under 5,000 square feet at least three ~~quotes~~ documented quotes are required which must have the following information:

(a) Prospective leased premises building name, if applicable; and

(b) Property physical and mailing address; and

(c) Prospective landlord full name and business address; and

(d) Proposed Net Usable Square Feet being offered; and

(e) Proposed rate per Net Usable Square Foot for each year of the term of the lease; and

(f) Proposed term in years; and

(g) Date proposed leased space will be available; and

(h) Proposed tenant improvement amount to be offered; and

(i) Proposed landlord's agent or representative, if applicable; and

(j) Whether the proposed facility is an "Energy Star" qualified facility as defined by the United States Environmental Protection Agency and the United States Department of Energy.

(2) Upon receipt of documented quotes as stipulated in this subsection, the Agency shall complete Department Form 4137A "Quote Synopsis" effective May 2010 incorporated by reference in this rule, summarizing the quotes received and submit to the Department for review.

Rulemaking Specific Authority 255.249(4) FS. Law Implemented 255.249(2), (4), 255.25(2)(b),(8), 255.257(4) FS. History--New \_\_\_\_\_.

60H-1.017 Turnkey (Lease) Construction Program.

(1) The Department shall have the authority to approve a lease under this rule when the following conditions have been met:

(a) An appropriate procurement has been attempted and no suitable space has been identified; and

(b) Approval of Space Need has been obtained, in accordance with Rule 60H-1.002, Florida Administrative Code; and

(c) The Department has been notified, in writing, of the Agency's intent to seek a Turnkey Lease as defined in Rule 60H-1.1001, Florida Administrative Code.

(4) The Agency shall advise respondents that no State payments for use of space being developed will be made prior to final acceptance and approval of the completed building and its site, in accordance with the terms and conditions set forth in the Department's Standard Lease Agreement form.

(a) The Agency will advise that if a ~~d~~Developer is interested in developing a structure for the purpose indicated and in leasing the building and its site to the State of Florida, the Developer should submit his best response or responses by a specified time and date as specified by the Agency ~~(Time)~~, ~~(Date)~~, to the ~~(Department)~~, ~~(Location or Street Address)~~, ~~(City)~~, ~~(State)~~.

(b) ~~The Developer's requirements as required by the Agency and the department:~~ The Agency will set the response period depending upon the complexity of the needed facility.

(5) ~~The Developer's requirements as requested by the Agency and the Department:~~ The Agency shall require the following from the Developer:

~~(a)1-~~ Agreement to enter into a lease-build contract on the Department's Standard Lease Agreement form setting forth the terms and conditions therein.

~~(b)2-~~ Intent to furnish 100% Performance Bond if response is accepted.

~~(c)3-~~ Complete and satisfactory evidence of ownership;

~~(d)4-~~ Local tax assessor's appraisal of the site;

~~(e)5-~~ A site survey; and

~~(f)4.~~ The Developer's estimated ~~valuation~~ cost of construction \$\_\_\_ per square foot, for \_\_\_ gross square feet, and provide a statement of rental rate per square foot, including necessary maintenance and operations costs.

~~(g)3.~~ Completion date (the date that the building will be offered to the sState for acceptance), contingent upon ~~dDeveloper's aAuthorization to Pproceed.~~

~~(h)4.~~ ~~Developers shall indicate Tthe specific~~ period of time that a response will remain open; such period shall be a minimum of sixty 60 days.

~~(i)5.~~ Site improvement information including shall include the following:

- ~~1.a.~~ Grading outside buildings;
- ~~2.b.~~ Sanitary and storm sewers;
- ~~3.e.~~ Landscaping;
- ~~4.d.~~ Paving and retaining walls;
- ~~5.e.~~ Water;
- ~~6.f.~~ Gas and electric distribution systems; and
- ~~7.g.~~ Extraordinary excavation and/or foundations.

~~(j)6.~~ Life ~~cCycle cCost aAnalysis~~ pursuant to subsection 255.255, Florida Statutes. See Rule 60H-4.004, Florida Administrative Code for requirements.

~~(k)7.~~ Building information which will enable the Department to review both the functional and aesthetic aspects of the building including:

~~1.a.~~ Floor plans showing proposed utility core, office space, public space, corridors and parking areas (scale 1" equals 8').

~~2.b.~~ Elevations and cross sections of buildings indicating exterior material and colors (scale 1" equals 8').

~~(l)8.~~ ~~A The response submitted by a Developer shall be signed by the dDeveloper or his or her duly authorized representative. Corporate, trade, or partnership titles may be stamped, written or type-written, but the actual signature of the authorized representative must appear on the response. If the response is signed by a dDeveloper's agent, the agent must demonstrate authority to sign and it shall accompany the response. Evaluation of responses will be made by the Agency on the basis of price, design, characteristics of construction, completion date, location (including environment or characteristics of surrounding neighborhood), public transportation availability, availability of parking facilities, availability of satisfactory dining facilities, and conformance to the Agency program, performance specifications, and floor layout plan. The Agency then presents the entire "project review package" to the Department.~~

(6) Evaluation of responses will be made by the Agency on the basis of price, design, characteristics of construction, completion date, location (including environment or characteristics of surrounding neighborhood), public transportation availability, availability of parking facilities, availability of satisfactory dining facilities, and conformance to

the Agency program, performance specifications, and floor layout plan. The Agency then presents the entire "project review package" to the Department.

~~(7)9.~~ The project review package shall contain:

~~(a)a.~~ A letter of transmittal setting forth:

~~(1)(i)~~ The fact that "this is a lease-build response," and

~~(2)(ii)~~ Statement by the Agency head that there is no suitable existing facility available.

~~(b)b.~~ Proof of Aadvertisement.

~~(c)c.~~ A list of the responses to the advertisements.

~~(d)d.~~ Set of the Agency's program, any unique planning information, performance specifications (building and site), site description and/or delineated area, floor layout plan, and property appraisal.

~~10.~~ ~~All responses submitted to the Agency must be in accordance with guidelines developed.~~

~~(e)e.~~ ~~The Agency's recommendation with justification.~~

~~(8)~~ The Department will review the project. If it concurs with the Agency's recommendation, it will give approval and return to the User Agency for execution. The Agency and the Department must be in joint agreement on the response before approval is granted.

~~12.~~ ~~A physical inspection of completed buildings and sites will be made by the various Agencies who will, in turn, supply the Division of Facilities Management with a certificate of acceptance, and a certificate citing the date of occupancy.~~

Rulemaking Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1), (2)(a) FS. History--New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, 4-27-04, 7-12-07,\_\_\_\_\_.

60H-1.021 Department Prior Approval.

(1) No Agency may proceed with the execution of a Lease Action unless the Department has granted Prior Approval for the Lease Action.

(2) For Leases of less than 5,000 feet, the requesting Agency shall submit:

(a) An unexecuted Lease Agreement pursuant to Rule 60H-1.003, Florida Administrative Code; and

(b) A minimum of three documented quotes; and

(c) A completed Department Form 4113 "Certificate of Compliance" effective May 2010 incorporated by reference in this rule; and

(d) A completed Department Form 4137A "Quote Synopsis" effective May 2010 incorporated by reference in this rule.

(3) For Leases of 5,000 square feet or greater, the requesting Agency shall submit;

(a) An unexecuted Lease Agreement pursuant to Rule 60H-1.003, Florida Administrative Code; and

(b) A copy of procurement documents issued for the Competitive Solicitation; and

(c) A copy of all responses to the Competitive Solicitation; and

(d) A completed Department Form 4137 “Bid Synopsis” effective May 2010 incorporated by reference in this rule; and

(e) Scaled drawings in hardcopy or electronic format; and

(f) The Sustainable Building Rating as obtained from the United States Department of Energy; and

(g) The completed Energy Performance Analysis.

(4) The Department shall grant Prior Approval when the lease action, as described in the required submissions, is as stipulated in this subsection, are in the Best Interests of the State.

Rulemaking Authority 255.249(4) FS. Law Implemented 255.249(4)(b),(k), 255.25(2)(b) FS. History–New \_\_\_\_\_.

60H-1.022 Department Final Approval.

(2) The requesting Agency shall submit:

(a) All lease documents ~~fully~~ executed by both the Agency and the lessor, consistent with Chapter 60H-1, Florida Administrative Code; and

(b) Approval from the State Fire Marshal; and

(c) Department Form 4114 “Disclosure Statement” effective May 2010 incorporated by reference in this rule.

(3) The Department shall grant Final Approval when the lease action, as described in the required submissions, is as stipulated in this subsection, are the Best Interests of the State.

Rulemaking Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(2)(b), (3), (4), (5) FS. History–New 3-18-86, Formerly 13M-1.022, Amended 2-21-96, 5-13-03, 4-27-04, 7-12-07, \_\_\_\_\_.

60H-1.023 Lease Modifications.

(2) Any lease not procured through a competitive solicitation may not be modified to exceed a total square footage of 4,999 within the first 12 months of the lease.

(3)(2) An Agency may enter into a modification of a lease to increase the square footage by no more than 4,999 square feet if the modification is upon the same terms and conditions of the approved lease.

(4)(3) An Agency may enter into, within any 12-month period, more than one modification to increase the square footage, provided the total space acquired by modification within the 12-month period is less than 5,000 square feet.

Rulemaking Authority 255.249(4) FS. Law Implemented 255.249(4)(b), 255.25(1)(b), (3)(c) FS. History–New \_\_\_\_\_.

60H-1.024 Lease Extensions.

(3) The Department will approve extensions of an existing Lease if such extensions are determined by the Department to be in the Best Interests of the State.

(4) All Agency requests for an extension under this clause shall be submitted in writing to the Department no less than sixty (60) days before a lease is to end. The agency shall furnish a statement by the Agency head that of justification the lease extension is in the Best Interests of the State.

60H-1.025 Disclosure Statements.

(1) Pursuant to subsections 255.249(4)(h) and 255.249(4)(j), Florida Statutes, no Lease Action shall be approved unless the Agency has submitted Form Number 4114 “Disclosure Statement” effective May 2010 incorporated by reference in this rule, completed in full compliance with the law.

(2) Each subsequent Lease Action for which a Disclosure Statement has been required may be accompanied by a lessor’s affidavit, Form Number 4114A “Disclosure Update” effective May 2010 incorporated by reference in this rule, that the previous Disclosure Statement submitted on (date to be provided) is still valid, if no change in the interest held or individuals concerned has occurred.

Rulemaking Specific Authority 255.249(4) FS. Law Implemented 255.249(4)(h) FS. History–New 4-5-76, Amended 4-25-79, Formerly 13D-7.15, 13M-1.025, Amended \_\_\_\_\_.

60H-1.0261 Change of Ownership.

(1) If ownership of a leased facility changes during the term of the Lease, the Department must be furnished a copy of the deed or other legal document effecting transfer of facility and the Department’s Form 4114 “Disclosure Statement” effective May 2010 incorporated by reference in this rule.

Rulemaking Authority 255.249(2) FS. Law Implemented 255.249(2)(h), (4) FS. History–New \_\_\_\_\_.

60H-1.028 Information and Forms.

Information and copies of all forms named in this Chapter may be obtained from:

Department of Management Services  
 Division of Real Estate Development  
and Facilities Management  
 Bureau of Property Management  
 4050 Esplanade Way, Suite 315  
Building 4030, Suite 380  
 Tallahassee, Florida 32399-0950

Rulemaking Specific Authority 120.53(1)(a), 255.249(2)(a) FS. Law Implemented 255.249, 255.25, 255.21, 255.254 FS. History–New 4-25-79, Formerly 13D-7.18, 13M-1.028, Amended 2-21-96, \_\_\_\_\_.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE NOS.:	RULE TITLES:
60H-2.0022	Agency Space Allocation Plans
60H-2.003	Department Standard Method of Space Measurement

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. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

60H-2.0022 Agency Space Allocation Plans.

Rulemaking Specific Authority 255.249(4)(d), 255.503(11), 272.04 FS. Law Implemented 255.249(1), (4)(d), 255.503(2) FS. History—New 4-27-04, Repealed.

60H-2.003 Department Standard Method of Space Measurement.

(2) For the purposes of Agency Leases of real property, Net Usable Square Feet shall be defined as square footage which has usable value.

(a) Net Usable Square footage includes:

1. All space which has usable value within the agencies exclusive use and control; and
2. One half of walls which are shared by two separate tenants; and
3. Columns and projections which are part of the structure of a building; and
4. Corridors in the leased space or for exclusive access to the leased space.

(b) Net Usable Square Footage does not include:

1. Building vertical penetrations such as vertical air ducts, furnace or flue shafts, elevator shafts or exit stairwells; or
2. Space unavailable for lease such as public corridors, lobbies or reception areas, waiting areas or elevator lobbies, stairways or bathrooms; or
3. Space designated to the provision of building services such as mechanical rooms, elevator equipment rooms, janitorial closets or electrical rooms.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-18.005	Examination Review Procedure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly has been withdrawn.

The above notice of proposed rulemaking was published incorrectly with the wrong rule text.

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:
64B1-6.005	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 stated comments from the public at the rule hearing on February 11, 2010.

Subsection 64B1-6.005(6) shall read as:

(6) Continuing education programs related to biomedical sciences laboratory test or imaging findings shall be designed to provide course content on the clinical relevance of such programs while advancing, extending or enhancing laboratory and diagnostic tests and procedures as well as biomedical 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-4.009	Applications

NOTICE OF PUBLIC HEARING

The Board of Medicine announces a hearing regarding the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 Florida Administrative Weekly.

DATE AND TIME: Saturday, April 10, 2010, 8:00 a.m.

PLACE: Tampa Airport Marriott, 4200 George J. Bean Parkway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: public hearing on Rule 64B8-4.009, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee,



Florida 32399-3253. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                   RULE TITLE:  
64B9-8.005                   Unprofessional Conduct  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 26, July 2, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
64B19-11.010               Limited Licensure  
                                  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. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments stated by the Joint Administrative Procedures Committee in a letter dated January 13, 2010.

The change is as follows:

64B19-11.010 Limited Licensure.

Law Implemented: Reference to Section 490.009(1)(p), Florida Statutes, is deleted.

Reference to "Title 42 USCS §666(a)(13)" has been corrected to read as "Title 42 USCA §666(a)(13)."

Section 1, Part II on page two of the Application refers to the the "Fee Waiver Affidavit" has been corrected to read as "Fee Waiver Form."

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:                   RULE TITLE:  
64B19-11.012               Application Forms  
                                  NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.:                   RULE TITLE:  
64B32-2.001               License by Endorsement

**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. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated January 22, 2010 and language voted on by the Board at its meeting on January 8, 2010. The change is as follows:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST** shall read as: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that although it estimates receipt of approximately 2,523 licensure application over the next five years, small businesses would not be affected by this rule. However, a SERC was prepared for review.

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

64B32-2.001 (1) shall read as:

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the state of Florida shall apply on Form DH-MQA 1145, Application by Endorsement, Revised 10/09, incorporated herein as this Board's application form and available on the web at <http://www.doh.state.fl.us/mqa/respiratory/index.html>. ~~A properly completed application must be submitted with the appropriate fee as set forth in Rule 64B32-2.003, F.A.C.~~

The revision date of form DH-MQA 1145 has been corrected from 5/25/09 to 10/09.

The typographical error on page one of the Application has been corrected from "Title 42 USCS §666 (a)(13)" to "Title 42 USCA §666 (a)(13)."

Questions required by Section 456.0635, Florida Statutes, have been added to page four of the Application.

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

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NOS.:                   RULE TITLES:  
64I-1.001                   Definitions  
64I-1.004                   Transitional Living Facility (TLF) Services

**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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

64I-1.001 Definitions.

(1) Definitions for terms used in §§ 381.739-.79, F.S., and 64I-1.001-1.0034, consistent with § 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a Community of one's informed choosing by performing activities of daily living, independently, or with support, but without the need for Services. A particular level of functioning in the Community is not an Appropriate Level of Functioning in the Community if the underlying activities of daily living:

(i) Cannot be safely performed in a manner that is consistent with the Eligible Individual's limitations; or

(ii) Are not financially supportable for the foreseeable future.

(b) External Trauma: A trauma from a source external to the body that causes the injury solely by the force of the trauma, not through an intervening biological process such as blood clot, blood loss, or lack of oxygen.

(c) Legal Resident: An individual who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The Applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the Applicant is otherwise eligible for the General Program.

(e) Moderate to Severe Brain Injury: Glasgow 12 and below or Rancho 8 and below.

(f) Reintegration into the Community: Maintaining oneself in a Community by performing activities of daily living, independently, or with support, but without the need for Services.

~~(g) Unable to Provide Services for all Eligible Individuals: The General Program is unable to purchase Services within three months of the scheduled time for each such Service for each Eligible Individual due to budget shortfall.~~

(2) Additional definitions for terms used in 64I-1.001-1.0034, consistent with § 381.745, F.S.

(a) Applicant: An individual requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Ch. 42900, Pt. IH, F.S.

(c) Eligible Individual: An individual determined eligible for the General Program.

(d) Equipment: For purposes of §381.79(1)(b), F.S., means personal property not required to be titled under state law and does not include fixtures to real property except as modifications to a residence.

(e) General Program: The program for which eligibility is determined under § 381.76, F.S.

(f) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B.

Jennett in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(g) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(h) Services: Services provided by the General Program.

Rulemaking Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended 10-31-05,\_\_\_\_\_.

64I-1.0045 Transitional Living Facility (TLF) Services.

(1) Services:

(a) No entity can deliver TLF services without complying with this rule and before receiving a TLF license from the Agency for Health Care Administration under §400.805, Chapter 59A-17, F.A.C.;

(b) TLF services are solely for persons who have sustained brain or spinal cord injury as defined in §381.745, F.S.;

(c) TLF services do not include services as an appropriate discharge site;

(d) No entity can deliver services as a TLF before requesting and satisfactorily undergoing a Brain and Spinal Cord Injury Program survey using the Transitional Living Facility Survey Report – Brain Injury Plan and Transitional Living Facility Survey Report – Spinal Cord Injury Plan Standards and Criteria for Transitional Living Facilities, respectively, DH Forms DH-BSC 1008, 7/09 and 1009, 7/09. These forms are incorporated by reference and copies are available from the Department. Copies of these forms and requests for Brain and Spinal Cord Injury Program survey may be made by contacting the Brain and Spinal Cord Injury Program via: mail at 4052 Bald Cypress Way, Bin C-25, Tallahassee, FL 32399-1744 or telephone (850)245-4045 or toll-free (866)875-5660. Copies of the form may also be obtained at <http://www.doh.state.fl.us/demo/BrainSC/Facilities/ReviewInstruments.htm>.

(e) No entity can deliver services as a TLF except upon obtaining and maintaining Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation for actions

taken or intended to be taken under a TLF license. CARF may be reached via: the internet www.carf.org; telephone, (202)587-5001 or toll-free (866)888-1122 voice; fax, (202)587-5009; and by mail CARF-CCAC, 1730 Rhode Island Avenue NW, Suite 209, Washington, DC 20036, USA.

**PROPOSED EFFECTIVE DATE:** December 1, 2010

Rulemaking Authority 381.0011 FS. Law Implemented 381.75, 400.805 FS. History–New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE NO.: RULE TITLE:  
64I-1.004 Scope of Services  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS. RULE TITLES:  
64J-2.011 Trauma Center Requirements  
64J-2.012 Process for the Approval of Trauma Centers  
64J-2.013 Extension of Application Period  
64J-2.014 Certificate of Approval  
64J-2.015 Process for Renewal of Trauma Centers  
64J-2.016 Site Visits and Approval  
64J-2.017 Application by Hospital Denied Approval

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

The date of the Notice of Rule Development published in the Florida Administrative Weekly was changed from November 12, 2009 to November 13, 2009. Also, the name of the DH Pamphlet, “Trauma Center Standards” was added as well as the January 2010 date of the Pamphlet and forms incorporated by reference in these rules.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NOS.: RULE TITLES:  
65G-4.001 Definitions for Behavior Analysis Certification and Services Rules

65G-4.0011 Recognized Certification Organizations for Behavior Analysts and Assistant Behavior Analysts  
65G-4.003 Certification as a Behavior Analyst  
65G-4.004 Certification as an Associate Behavior Analyst  
65G-4.005 Renewal of Behavior Analysis Certification  
65G-4.006 Approved Continuing Education  
65G-4.007 Behavior Analysis Certification Fees  
65G-4.008 Behavior Analysis Services Oversight System Organization  
65G-4.009 Design, Implementation and Monitoring of Behavior Analysis Services  
65G-4.010 Behavior Analysis Services Approval  
65G-4.012 Determination of Mental Retardation: Intelligence Tests to Be Administered

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 44, November 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.: RULE TITLE:  
68A-15.064 Specific Regulations for Wildlife Management Areas – South Region

**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. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68A-15.064 has been changed to include the following modified paragraphs:

- (1) J. W. Corbett Wildlife Management Area.
  - (b) Legal to take: All legal game, fish, furbearers and frogs. Deer daily bag one, annual bag two; wild hog daily bag one, annual bag two. The take of wild hog with a shoulder height of less than 20 inches is prohibited. The take of wild hog is prohibited during small game season. Turkeys may not be taken during the archery season.
- (2) Holey Land Wildlife Management Area.
  - (b) Legal to take: All legal game (except wild turkey), fish, frogs and furbearers. Take of antlerless deer is prohibited during the archery season. The bag limit for wild hog shall be one per day; ~~annual bag possession limit~~ two. The take of wild hog with a shoulder height of less than 15 inches is prohibited.

The take of wild hog is prohibited during small game season. During the general gun-vehicle season, a bag limit of one wild hog per day per vehicle shall apply. The bag limit for antlered deer shall be one during archery season, one during muzzleloading gun season, one during general gun-walk season and one per tag during the general gun-vehicle season.

(3) Everglades and Francis S. Taylor Wildlife Management Area.

(b) Legal to take: All legal game (except turkeys), fish, frogs and furbearers. Taking of antlered deer not having at least one forked antler and having one or more antlers at least 5 inches in length visible above the hairline is prohibited. The forked antler shall have at least two points one inch or greater in length. Take of antlerless deer is prohibited during archery season. The bag limit for wild hog shall be one per day ~~and two annually, possession limit two~~. During the general gun-vehicle season, a bag limit of one wild hog per day per vehicle shall apply. The take of wild hog with a shoulder height of less than 15 inches is prohibited. The take of wild hog is prohibited during small game season. The bag limit for antlered deer shall be one per season during archery, muzzleloading gun and general gun-walk seasons and one per tag during the general gun-vehicle season.

(4) Rotenberger Wildlife Management Area.

(b) Legal to take: All legal game (except turkeys), furbearers, fish and frogs. Take of antlerless deer is prohibited during archery season. Wild hog daily bag limit one; ~~possession limit two annually~~. During the general gun-vehicle season, a bag limit of one wild hog per day per vehicle shall apply. The take of wild hog with a shoulder height of less than 15 inches is prohibited. The take of wild hog is prohibited during small game season. The bag limit for antlered deer shall be one per season during archery, muzzleloading gun and general gun-walk seasons and one per tag during the general gun-vehicle season.

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-2.024  
 RULE TITLE: Construction Materials Mining Activities

**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. 47, November 25, 2009 issue of the Florida Administrative Weekly.

69A-2.024 Construction Materials Mining Activities.

(8) Local Government Notice.

(a) Each person permitted to engage in construction materials mining activity shall submit written notification to the county and or municipality in which construction materials mining activity is to be conducted. The initial and subsequent notices required by this rule shall advise that a permit has been issued or renewed. The initial notice shall be provided after the issuance of the permit and give at least 20 days notice prior to the initial blast.

(b) Subsequent notices shall be provided following the annual permit renewal date and give at least five days notice prior to the first blast following annual permit renewal date. Notice is required to be given no more than once per year.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.: 69I-20.041  
 RULE TITLE: Unclaimed Property Reporting Instructions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The correction adds the following summary of the statement of the estimated regulatory costs:

The number of individuals and entities likely to be required to comply with the rule and a general description of the types of individuals likely to be affected by the rule: There are an estimated 1,539,207 business firms are in Florida. The Small Business Administration estimates that there are 1.9 million businesses in Florida alone. In addition to private business entities, as a general rule, state agencies and local governments are also subject to Florida’s unclaimed property law. Cost to the Department of implementing the proposed rule and any anticipated effect on state revenue: The Department intends to implement the proposed rule within its current workload, with existing staff. For fiscal year 2008/2009, the Department estimates the cost for this reporting staff to be approximately \$1,448,000. For fiscal Year 2008/2009, the Department estimates that the amount of unclaimed property received from holders throughout the United States is \$298,135,491. Good faith estimate of the transactional costs likely to be incurred: The Department has completed unclaimed property audits of holders which took an average of approximately 47 hours to complete. The Department estimates that the median cost of a bookkeeper is \$17.90 per hour. The amount of \$17.90 per hour multiplied by 47 hours is an estimated amount of \$841.30 to complete an unclaimed property report. Analysis of the impact on small businesses and an analysis of the impact on small counties and small cities: Generally, all businesses and state and local government entities in the United States are required to comply with unclaimed property laws and are, therefore, impacted. Any additional information that the agency

determines may be useful: In order to help businesses and local governments reduce the cost of complying with Florida's unclaimed property law, the Bureau of Unclaimed Property periodically conducts educational workshops and seminars throughout the State of Florida. The Department has also provided individualized assistance at the holder's place of business.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.:                      RULE TITLE:  
69I-20.041                      Unclaimed Property Reporting Instructions.

**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. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

Changes to Form DFS-A4-1992, Florida Unclaimed Property Reporting Instructions Manual, incorporated by reference to the proposed rule are as follows:

Section 1.7, page 9, has been amended to delete the phrase referring to the reasonable time period.

Section 1.8, page 9, first subsection, has been rewritten.

Section 1.9, page 10, has been amended to strike "FEIN" and replace it with "taxpayer identification number".

Section 2.2.1.1, immediately after paragraph F, page 15, has been amended to strike "FEIN" and replace it with "taxpayer identification number".

Section 2.3.2.3, page 37, has been amended to strike "FEIN" and replace it with "taxpayer identification number".

Page 14 has been amended to correct the title of the document.

Page 17 has been amended to correct the title of the document.

Section 2.2.3.2 A, page 20, has been amended to strike the word "notarized".

Page 23 has been amended to add a reference to Rule 69I-20.035, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE OR TO OBTAIN COPIES OF THE AMENDED PAGES IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

The remainder of the rule reads as previously published.

**FINANCIAL SERVICES COMMISSION**

**OFR – Financial Regulation**

RULE NO.:                      RULE TITLE:  
69V-40.003                      Electronic Filing of Forms and Fees  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

The notice of change for this rule was published in the hardcopy version of the Florida Administrative Weekly under the heading of: FINANCIAL SERVICES COMMISSION, OIR – Insurance Regulation. The notice should have been published under the heading: FINANCIAL SERVICES COMMISSION, OFR – Financial Regulation.

**FINANCIAL SERVICES COMMISSION**

**OFR – Financial Regulation**

RULE NO.:                      RULE TITLE:  
69V-560.1013                      Electronic Filing of Forms and Fees  
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. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

The notice of change for this rule was published in the hardcopy version of the Florida Administrative Weekly under the heading of: FINANCIAL SERVICES COMMISSION, OIR – Insurance Regulation. The notice should have been published under the heading: FINANCIAL SERVICES COMMISSION, OFR – Financial Regulation.

**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 TRANSPORTATION**

NOTICE IS HEREBY GIVEN THAT on February 25, 2010, the Department of Transportation has issued an order.

An Order denying Cape Canaveral's Petition for Variance was issued on February 25, 2010. On August 17, 2009, Cape Canaveral filed a letter asking for a variance from Rules 14-20.003 and 14-20.0032, F.A.C., and the request was