

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE NO.: 5E-1.003  
RULE TITLE: Labels or Tags

PURPOSE AND EFFECT: The purpose of this rule modification is twofold. First is the clarification of existing verbiage, and second to establish labeling criteria for urban lawn or turf fertilizer products and adoption of Best Management Practices for Nitrogen applications for the Green Industry and Golf Course Industry.

SUMMARY: Establishes labeling criteria for fertilizer products distributed in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 576.181 FS.

LAW IMPLEMENTED: 576.021 FS.

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

DATE AND TIME: March 29, 2007, 1:30 p.m.

PLACE: Plant Science Research and Education Unit, 2556 West Highway 318, Citra, Florida 32113

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.003 Labels or Tags.

(1) LABEL REQUIREMENTS FOR ALL FERTILIZER PRODUCTS.

(a) Labels setting forth the information specified in this section shall be attached to or accompany any fertilizer distributed in the state. For packaged products, this information shall either (1) Appear on the front or back of the package, (2) occupy at least one-third (1/3) of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this information in printed form shall accompany delivery and five analysis tags attached to the delivery ticket shall be supplied to the purchaser at time of delivery. The following information is required on labels for all fertilizer products.

1. ~~Brand name~~ The net weight
2. ~~The grade (Provided that the grade shall not be required when no primary nutrients are claimed)~~ Brand name
3. ~~Guaranteed analysis, in the following format (Provided that the grade shall not be required when no primary nutrients are claimed)~~ The grade
4. ~~Guaranteed analysis in the following format: Name and address of licensee~~
5. ~~Guaranteed analysis in the following format:~~

Total Nitrogen (N).....\_\_\_%

\_\_\_ percent Nitrate Nitrogen

\_\_\_ percent Ammoniacal Nitrogen

\_\_\_ percent Water Soluble Nitrogen

\_\_\_ percent ~~Other/Water Soluble~~

\_\_\_ percent Urea Nitrogen

\_\_\_ percent Nitrogen (and/or Urea Nitrogen)

\_\_\_ percent Water Insoluble Nitrogen

Available Phosphorus (P<sub>2</sub>O<sub>5</sub>).....\_\_\_%

Soluble Potassium (K<sub>2</sub>O).....\_\_\_%

Secondary and Micro Plant Nutrients  
(list all claimed or advertised).....\_\_\_%

Derived From:

5. Name and address of licensee.
6. The net weight (The term "Bulk" shall suffice for bulk products).

(b) The nitrogen breakdown shall be equal to the total nitrogen guarantee. When urea is present it may be guaranteed as water soluble nitrogen, or urea nitrogen at the option of the licensee. When urea formaldehyde is present, not more than 40 percent of the total nitrogen from this source may be claimed as water soluble nitrogen, or urea nitrogen at the option of the licensee. When the term "organic" is used in the label, labeling, or advertisement of any fertilizer, the water insoluble nitrogen must not be less than 60% of the total guaranteed nitrogen so designated. The nitrogen breakdown shall be equal to the total nitrogen guarantee. Only those materials which actually constitute sources of primary and secondary plant nutrients guaranteed may be shown on the application for registration and the label under the statement "Derived from: \_\_\_\_\_". When a chelating agent is present, the specific chelated nutrient shall be listed as a source. Commercial, registered or copyrighted brand or trade names shall not be permitted in guarantees or listings of source materials and only in the product name of fertilizer produced by or for the firm holding the rights to such a name.

(c) The terms "Available Phosphoric Acid" or "Available Phosphate" and "Soluble Potash" may be used instead of "Available Phosphorus" and "Soluble Potassium", respectively. When urea is present it may be guaranteed as urea nitrogen or as water soluble nitrogen at the option of the licensee. When urea formaldehyde is present, not more than 40 percent of the total nitrogen from this source may be claimed as urea nitrogen or water soluble nitrogen. When the term "organic" is used in the label, labeling, or advertisement of any fertilizer, the specific organic nutrient shall be identified and qualified as synthetic or natural with the percentage of each specified, to one of the following examples: Nitrogen C 5.0% Organic (3.0% synthetic, 2.0% natural). 5.0% of Nitrogen is Organic (3.0% synthetic, 2.0% natural).

(d) Unacidulated mineral phosphatic materials, basic slag, bone meal, and other phosphatic materials shall be guaranteed as to both the total and available phosphorus (P<sub>2</sub>O<sub>5</sub>), and, in addition thereto, unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to degree of fineness. The terms "Available Phosphoric Acid" or "Available Phosphate" and "Soluble Potash" may be used instead of "Available Phosphorus" and "Soluble Potassium", respectively.

(e) Only those materials which actually constitute sources of primary and secondary plant nutrients shall be shown on the application for registration and the label under the statement "Derived from: \_\_\_\_\_". Commercial, registered or copyrighted brand or trade names shall not be permitted in guarantees or listing of source materials and only in the product name of fertilizer produced by or for the firm holding the rights to such a name. Unacidulated mineral phosphatic materials, basic slag, bone meal, and other phosphatic materials shall be guaranteed

as to both the total and available phosphorus (P<sub>2</sub>O<sub>5</sub>), and, in addition thereto, unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to degree of fineness.

(f) ~~When sulfur (S) is claimed as a plant nutrient, it shall be specified as to the form present, either "free" or "combined", or both.~~

(f)(g) When a chelated form of a plant nutrient is claimed in addition to another form of the same element, the chelated portion shall be guaranteed and the specific chelated nutrient shall be listed as a source in the "Derived from" statement. The chelated guarantee shall be equal to or less than the "Soluble" or "Water Soluble" element guarantee separately.

(g)(h) Guarantees for secondary or micro plant nutrients except other than elements magnesium or sulfur and chelated forms of secondary or micro plant nutrients shall be as follows:

1. Magnesium (Mg) shall be expressed as "Total Magnesium" if derived from insoluble compounds; "Soluble Magnesium" or "Water Soluble Magnesium" if derived from magnesium sulfate or other soluble compounds"; or both if derived from combinations of soluble and insoluble sources.

2. When sulfur (S) is claimed as a plant nutrient, it shall be specified as to the form present, either "free" or "combined", or both. "Specialty Fertilizer" defined in Section 576.011(36), F.S., shall be exempt from Sulfur guarantees.

3. Manganese (Mn) shall be expressed as "Total Manganese" if derived from insoluble compounds. "Soluble Manganese" or "Water Soluble Manganese" if derived from manganese sulfate, manganese nitrate, manganese chloride or other soluble compounds; "total manganese" if derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

4. Iron (Fe) shall be expressed as "Total Iron" if derived from insoluble compounds. "Soluble Iron" or "Water Soluble Iron" if derived from iron sulfate, iron nitrate, iron chloride or other soluble compounds; "total iron derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

5. Zinc (Zn) shall be expressed as "Total Zinc" if derived from insoluble compounds. "Soluble Zinc" or "Water Soluble Zinc" if derived from zinc sulfate, zinc nitrate, zinc chloride or other soluble compounds; "total zinc derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

6. Copper (Cu) shall be expressed as "Total Copper" if derived from insoluble compounds. "Soluble Copper" or "Water Soluble Copper" if derived from copper sulfate, copper nitrate, copper chloride or other soluble compounds; "total copper derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

7. Boron (B) shall be guaranteed as to soluble boron, expressed as "boron".

6. Magnesium (Mg) shall be expressed as “Soluble Magnesium” or “Water Soluble Magnesium” if derived from magnesium sulfate or other soluble compounds; “Total Magnesium” if derived from other compounds; or both if derived from combinations of soluble and insoluble sources.

8.7. Other secondary or micro plant nutrients shall be guaranteed as to the total element, expressed as the element.

9.8. Minimum secondary or micro plant nutrient guarantees for specialty fertilizer shall be as follows, except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting soils.

Aluminum (Al)	.10%	Magnesium (Mg)	.10%
Boron (B)	.02%	Manganese (Mn)	.02%
Calcium (Ca)	.50%	Molybdenum (Mo)	.0005%
Cobalt (Co)	.0005%	Sulfur (S)	1.00%
Copper (Cu)	.02%	Zinc (Zn)	.02%
Iron (Fe)	.02%		

(2) FERTILIZER LABEL REQUIREMENTS FOR URBAN TURF, SPORTS TURF OR LAWNS.

(a) Definitions.

1. “Urban Turf” or “Lawns” means non agricultural land planted in closely mowed, managed grasses except golf courses, parks and athletic fields.

2. “Sports Turf” means non agricultural land planted exclusively for golf courses, parks and athletic fields.

3. “No Phosphate Fertilizer” means fertilizer products with phosphate levels below 0.5% intended for established urban turf or lawns.

4. “Low Phosphate Fertilizer” means fertilizer products intended for new or established urban turf or lawns, with phosphate levels equal to or above 0.5% or as provided in paragraph (2)(b).

5. “Starter Fertilizer” means a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance the initial establishment.

6. “Established Urban Turf” means urban turf older than 12 months.

7. “New Urban Turf” means urban turf established less than 12 months.

(b) Fertilizer products labeled for use on sports turf, urban turf or lawns shall be no phosphate or low phosphate and have label restrictions for the application of nitrogen.

1. Fertilizers labeled as no phosphate shall not contain more than 0.5% of available phosphate expressed as P<sub>2</sub>O<sub>5</sub>. The “grade” shall indicate a zero guarantee.

2. Fertilizers labeled as low phosphate shall have directions for use for a maximum application rate of 0.25 lbs. P<sub>2</sub>O<sub>5</sub>/1000ft<sup>2</sup> per application and not to exceed 0.50 lbs P<sub>2</sub>O<sub>5</sub>/1000ft<sup>2</sup> per year.

3. Fertilizers labeled as starter fertilizers shall have directions for use for a maximum application rate no greater than 1.0 lb of P<sub>2</sub>O<sub>5</sub>/ 1,000 ft<sup>2</sup> subsequent applications shall be either Low or No Phosphate fertilizers.

4. Fertilizers labeled as urban turf or lawn fertilizer shall have use directions with a maximum application rate of 0.7 pounds of readily available nitrogen per 1,000 ft<sup>2</sup> per single application. For urban turf or lawn fertilizers containing sources of slowly available nitrogen, the maximum single application rate is 1.5 of nitrogen per 1,000 ft<sup>2</sup>, provided that the rate of readily available nitrogen does not exceed 0.7 pounds per 1,000 ft<sup>2</sup>. The maximum annual loading of nitrogen is 5 pounds per 1,000 ft<sup>2</sup>, regardless of the nitrogen source.

(c) Specialty fertilizers labeled for urban turf or lawns shall have directions for use that include:

1. A maximum application rate for phosphorous not to exceed 0.25 lbs. P<sub>2</sub>O<sub>5</sub>/1000 ft<sup>2</sup> per application and not to exceed 0.50 lbs. P<sub>2</sub>O<sub>5</sub>/1000 ft<sup>2</sup> per year.

2. A maximum application rate for nitrogen not to exceed 1 lb per 1000 ft<sup>2</sup> pursuant to subparagraph (b)4.

a. Rates shall be expressed in units of weight or volume per unit of area coverage (where application rates are given in volume, the label shall provide sufficient information to calculate the application rates by weight).

b. Rates shall be expressed per 1000 square feet.

c. Maximum coverage area per container or bag shall be displayed prominently on the front of the container or bag. (I.E., This product covers 5000 square feet. This bag feeds 4000 square feet).

(d) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:

1. Have directions for use not to exceed rates recommended in the document titled SL191 “Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant”, dated October 2006, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: <http://edis.ifas.ufl.edu/SS404>.

2. Have directions for use in accordance with the recommendations in “BMP’s for the Enhancement of Environmental Quality on Florida Golf Courses”, published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

(e) Fertilizers other than specialty fertilizers labeled for urban turf shall:

Have directions for use not to exceed rates recommended in the document titled Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries., which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from [http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/BMP\\_Book](http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/BMP_Book).

(f) Existing Stock – Licensees are permitted to sell or distribute products that do not meet the label requirements of the rule for one year after the effective date of the rule. Products at the retail level on or after the effective date of the rule are permitted to be offered for sale for 1.5 years from the effective date of the rule and 2 years from the effective date of the rule if they are registered EPA fertilizer-pesticide mixtures.

~~(3)(2)~~ SOIL ADDITIVES, SOIL AMENDMENTS AND SOIL CONDITIONERS. The following information shall appear on the product label in a conspicuous and readable form:

(a) Guaranteed analysis, in the following format.

Soil Amending Ingredients:

“Name of ingredient” \_\_\_\_\_%

(Identify and list all soil amending ingredients)

Total Other Ingredients \_\_\_\_\_%

(b) Purpose of product.

(c) Directions for application.

(d) Net volume, in lieu of net weight, may be used for labeling mulch products or materials sold for primary use as above ground dressing.

~~(4)(3)~~ SLOW OR CONTROLLED RELEASE NUTRIENTS.

(a) When one or more slow or controlled release nutrients are claimed or advertised, the guarantees for such nutrients shall be shown as a footnote following the listing of source materials and shall be expressed as percent of actual nutrient.

(b) Listing of source materials providing slow or controlled release characteristics by controlling the water solubility of a naturally soluble material (as by coating or occlusion) shall constitute a claim of controlled release nutrient, and a guarantee for such nutrient shall be required.

(c) Listing of source materials in which availability of nitrogen is controlled through slow hydrolysis of water soluble organic nitrogen compounds shall constitute a claim of slow or controlled release nutrient and a guarantee for such nutrient shall be required. The reference for such availability shall be the enzymatic hydrolysis of urea.

(d) No guarantee, claim or advertisement shall be made or required when a slow or controlled release nutrient is less than 15 percent of the total guarantee for that nutrient.

~~(5)(4)~~ CHLORINE GUARANTEE.

(a) Chlorine shall be guaranteed as to maximum percentage content, when applicable, in agricultural fertilizer. “Specialty Fertilizer” defined in Section 576.011(36), F.S., shall be exempt from chlorine guarantees.

(b) Maximum chlorine shall be guaranteed in all brands which contain one percent (1%) or more, or in which potassium chloride or other materials bearing substantial amounts of chlorine are present.

(c) The maximum chlorine shall be guaranteed in all brands intended for use on tobacco.

(d) Maximum chlorine guarantees shall be reasonably accurate and not misleading, and consistent with source materials present. Two percent (2%) shall be the maximum permissible guarantee in fertilizers, except where potassium chloride, fish emulsion, or other high chlorine materials are present.

~~(6)(5)~~ DECLARATION OF FLORIDA LICENSEE NUMBER.

(a) The Florida Licensee Number, shall appear and be clearly identified on all fertilizer labels with a capital “F” preceding the license number.

(b) The number must be clear, legible and appear prominently and conspicuously on the label in proximity to the brand name or guaranteed analysis. The number must be placed in such a manner as to avoid any misinterpretation or confusion with percentages, pounds, or figures, statements, and in no way be misleading.

~~(7)(6)~~ REGISTRATION OF SPECIALTY FERTILIZER PRODUCTS. All specialty fertilizers to be sold within the state must be registered with the Bureau of Compliance Monitoring prior to any sale. Each product will be registered by filing the properly completed appropriate form with the Bureau. Only one form will be submitted for each product. Specialty fertilizer packaged, marketed, and distributed for home and garden use and packaged in quantities of forty-nine pounds or less (Specialty Fertilizer) will be registered upon the filing of properly completed Application for Specialty Fertilizer Registration (Fertilizer Form DACS-13220, Rev. 5/03, ~~No. IN-202, effective 4/94~~).

~~(8)(7)~~ LICENSEE.

(a) Any person whose name is on a fertilizer label and who guarantees the fertilizer must obtain a license prior to distribution of that fertilizer to a non-licensee.

(b) A license will be granted upon receipt of a properly executed Application for Fertilizer License (Fertilizer Form DACS-13222, Rev. 5/03) ~~No. IN-201, effective 4/94~~).

Specific Authority 576.181 FS. Law Implemented 576.021 FS. History—Revised 1-23-67, Amended 10-22-68, 1-1-77, 3-27-77, Formerly 5E-1.03, Amended 8-3-93, 7-9-95, 10-25-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Dale Dubberly  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Ms. Terry Rhodes  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 30, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 14, 2006

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NO.: 5M-2.004                      RULE TITLE: Notice of Intent to Implement  
PURPOSE AND EFFECT: The purpose of this rule amendment is to require nutrient management in Notices of Intent for Best Management Practices for Indian River Area Citrus Groves.

SUMMARY: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-2.004 Notice of Intent to Implement.

A Notice of Intent to Implement Non-regulatory and Incentive Based Programs identified in the document titled Water Quality/ Quantity BMPs for Indian River Area Citrus Groves shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Tallahassee, Florida 32301.

(1) Such notice of intent shall include: ~~Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location~~

~~of the grove(s); the property tax ID number(s); a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.~~

(a) The practices the applicant will implement. The identified practices shall include the nutrient management practices listed in the manual that are applicable to the operation covered by the Notice of Intent. These nutrient management practices shall be initiated as soon as practicable after submittal of the Notice of Intent;

(b) The name of the property owner; the location of the operation; and the property tax ID number(s) or other property identification information;

(c) A timeline for implementation of each practice identified;

(d) The gross acreage on which each practice will be implemented;

(e) The name and contact information of an authorized representative; and

(f) The signature of the owner, lease holder, or an authorized agent.

(2) No change.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New 6-24-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Budell, Director, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NO.: 5M-5.004                      RULE TITLE: Notice of Intent to Implement  
PURPOSE AND EFFECT: The purpose of this rule amendment is to require nutrient management in Notices of Intent for Best Management Practices for the Peace River Manasota Basin Area.

SUMMARY: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-5.004 Notice of Intent to Implement.

A Notice of Intent to Implement Non-Regulatory and Incentive Based Programs identified in the documents titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)* shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) ~~Such notice of intent shall include: Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number; a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.~~

(a) The practices the applicant will implement. The identified practices shall include the nutrient management practices listed in the manual that are applicable to the operation covered by the Notice of Intent. These nutrient management practices shall be initiated as soon as practicable after submittal of the Notice of Intent;

(b) The name of the property owner; the location of the operation; and the property tax ID number(s) or other property identification information ;

(c) A timeline for implementation of each practice identified;

(d) The gross acreage on which each practice will be implemented;

(e) The name and contact information of an authorized representative; and

(f) The signature of the owner, lease holder, or an authorized agent.

(2) No change.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 2-27-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Budell, Director, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NOS.:	RULE TITLES:
5M-7.002	Approved BMPs
5M-7.004	Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this rule amendment is to require nutrient management in Notices of Intent for Best Management Practices for Gulf Citrus

SUMMARY: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.



5M-8.004 Notice of Intent to Implement.

A Notice of Intent to Implement the BMPs identified in the document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005)* shall be submitted to the FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

~~(1) Such notice of intent shall include: Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number; a timeline for implementation; the acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.~~

(a) The practices the applicant will implement. The identified practices shall include the nutrient management practices listed in the manual that are applicable to the operation covered by the Notice of Intent. These nutrient management practices shall be initiated as soon as practicable after submittal of the Notice of Intent;

(b) The name of the property owner; the location of the operation; and the property tax ID number(s) or other property identification information;

(c) A timeline for implementation of each practice identified;

(d) The gross acreage on which each practice will be implemented;

(e) The name and contact information of an authorized representative; and

(f) The signature of the owner, lease holder, or an authorized agent.

(2) No change.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New 2-8-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Budell, Director, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09531  
 RULE TITLE: Minimum School Day for Emergency Situations

PURPOSE AND EFFECT: This rule is being repealed because the Department no longer has statutory authority to retain the rule.

SUMMARY: This rule is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 120.53, 228.041(13) FS.

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

DATE AND TIME: March 20, 2007, 9:00 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lynn Abbott, Room 1514, 325 W. Gaines Street, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09531 Minimum School Day for Emergency Situations.

Specific Authority 229.053(1) FS. Law Implemented 120.53, 228.041(13) FS. History–New 12-17-71, Repromulgated 12-5-74, Formerly 6A-1.9531, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn Abbott, Director, Office of Executive Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Margaret Parker, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2007

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NO.: 9B-3.047  
 RULE TITLE: State Building Code Adopted

PURPOSE AND EFFECT: Implement the annual amendments of the 2006 edition of the Florida Building Code developed and approved by the Commission pursuant to Section 553.73, Florida Statutes.

SUMMARY: The Commission undertook review of amendments proposed to the 2006 code with the intent of limiting changes to issues related to hurricane resistance,



standards updates and glitch issues arising from transition to the 2003 edition of the International Code Council family of codes as the base code. Pursuant to the authority granted in Section 1, Chapter 2006-65, Laws of Florida, the Commission also integrated the initial designation of the wind born debris region for the Panhandle after repeal of the legislative definition thereof. The rule proceeding implements those code amendments approved by the Commission.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida., Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

**LAW IMPLEMENTED:** 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida., Section 1, Chapter 2006-65, Laws of Florida., Section 10, Chapter 2007-1, Laws of Florida.

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

**DATE AND TIME:** March 28, 2007, 8:30 a.m. or as soon thereafter as the matter comes before the Florida Building Commission in accordance with its agenda.

**PLACE:** Casa Monica, 95 Cordova Street, Saint Augustine, Florida 32084

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

**THE FULL TEXT OF THE PROPOSED RULE IS:**

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as updated by the Florida Building Commission on July 2005, and as amended by the Commission on December 11, 2005, ~~and~~ December 8, 2006, and \_\_\_\_\_, incorporated herein by reference is hereby adopted as the building code for the State of Florida.

(2) No change.

Specific Authority 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida Law Implemented 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida. History–New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, 12-11-05, 12-8-06, \_\_\_\_\_.

**NOTE:** The Commission anticipates amending the following provisions of the Florida Building Code as directed within Chapter 2007-1, Laws of Florida:

Section 1609.1.4, Building Volume;

Section 1609.2, Building Volume;

Figure 1609, Building Volume;

Section R202, Residential Volume;

Section R301.2.1.2, Residential Volume;

Figure R301.2(4), Residential Volume.

The full text of the Code changes may be obtained on the internet at [www.floridabuilding.org](http://www.floridabuilding.org) or by contacting the Department as provided in this notice.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)921-2247

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 2, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 23, 2007

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

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

**RULE NO.:**  
40B-400.091

**RULE TITLE:**  
Publications and Agreements  
Incorporated by Reference

**PURPOSE AND EFFECT:** The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code, to adopt the most current version of the item incorporated by reference. The effect of the

proposed rule amendments will incorporate by reference a revised Operating Agreement between the Suwannee River Water Management District and Florida Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S.

**SUMMARY:** These proposed amendments will address items incorporated by reference and will update all relevant terminology.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 373.044, 373.046, 373.113, 373.118, 373.171, 373.415, 373.421, 373.461 FS.

**LAW IMPLEMENTED:** 120.60, 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421, 373.426, 373.461 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40B-400.091 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

(1) "Environmental Resource Permit Applicant's Handbook – May 2002."

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Suwannee River Water Management District and Department of Environmental Protection, effective July 1, 2007.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority: 373.044, 373.046(4), 373.113, 373.118, 373.171, 373.415, 373.421(2), 373.461(3) FS. Law Implemented: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3) FS. History–New 10-3-95, Amended 12-3-98, 3-7-02, 5-15-02, 7-1-07.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Governing Board of the Suwannee River Water Management District

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 13, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 23, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-2.091	Publications Incorporated by Reference
40E-2.301	Conditions for Issuance of Permits
40E-2.321	Duration of Permit
40E-2.331	Modification of Permits
40E-2.381	Limiting Conditions

**PURPOSE AND EFFECT:** To regulate the use of water from the Everglades and North Palm Beach County/Loxahatchee River Watershed Waterbodies ("Waterbodies") by the Lower East Coast and Northern Palm Beach County urban areas within Dade, Broward, Palm Beach and Martin counties.

**SUMMARY:** The proposed rule amendments will limit increasing permit allocations from depleting water needed for recovery and restoration of the Waterbodies.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.224, 373.226, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** April 12, 2007, beginning at 9:00 a.m.

**PLACE:** South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Wm. Scott Burns, Director, Water Supply Policy Implementation, South Florida Water

Management District, P. O. Box 24680, West Palm Beach, FL 33416; (800)432-2045, ext. 6817, email: sburns@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416; (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007 August 31, 2003,” is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, \_\_\_\_\_.

(The following represents proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 31, 2003”)

Section 1.8 Definitions

Allocation Coefficient through Area of Influence – No change.  
Certification or Certify – means the formal determination by the District, through a validation process consistent with state and federal law, of the total amount of water made available for consumptive use by a water resource development project or project phase.

Cone of Depression through Listed Species – No change.

Lower East Coast Everglades Waterbodies – as used in Section 3.2.1.E., is defined as the surface and ground water from Water Conservation Area 1, 2A, 2B, 3A and 3B, the Holeyland/Rotenberger wildlife management areas, and the freshwater portions of Everglades National Park, as depicted in Figure 3-1.

Maximum Monthly Allocation through National Geodetic Vertical Datum (NGVD) – No change.

North Palm Beach County /Loxahatchee River Watershed Waterbodies – as used in Section 3.2.1.E., is defined as the surface and ground water from the Grassy Waters Preserve, Water Catchment Area, Pal-Mar and J.W. Corbett Wildlife Management Area, Loxahatchee Slough, Loxahatchee River, Riverbend Park, Dupuis Reserve, Jonathan Dickenson State Park, Kitching Creek, Moonshine Creek, Cypress Creek, and Hobe Grove Ditch, as depicted in Figure 3-2.

Other Surface Waters through Xeriscape – No change.

3.2.1 Restricted Allocation Areas.

A. through D. No change.

E. In addition to all other applicable consumptive use statutory and rule provisions, the following restrictions shall apply when allocating water by permit for water use withdrawals within the Northern Palm Beach County Service Area and Lower East Coast Service Areas 1, 2 or 3.

This section is a component of recovery strategies for minimum flows and levels for the Everglades and the Northwest Fork of the Loxahatchee River, as set forth in Chapter 40E-8, F.A.C., and assists in implementing the objective of the District to ensure that water necessary for Everglades restoration and restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification under this rule.

(1) The additional restrictions in this section shall only apply to applications for new or modified permits or for permit renewals.

(2) Except as provided in this section, an applicant must demonstrate, pursuant to the impact evaluation provisions in Section 1.7.5.2., the requested allocation will not cause a net increase in the volume or cause a change in timing on a monthly basis of surface and ground water withdrawn from the Lower East Coast Everglades Waterbodies or the North Palm Beach County/Loxahatchee River Watershed Waterbodies (which are hereinafter referred to as the “Waterbodies”) over that resulting from the base condition water use.

The evaluation of water withdrawn from Waterbodies under this section shall address the impacts of the proposed use on surface and ground water from: (a) integrated conveyance systems that are hydraulically connected to the subject Waterbodies and are tributary to or receive water from such Waterbodies; and (b) the Waterbodies. Integrated conveyance systems that are hydraulically connected to the subject Waterbodies include primary canals used for water supply including, but not limited to, the Central and Southern Florida Project Canals, and secondary and tertiary canals that derive water from primary canals.

(3) The “base condition water use” shall be as provided below, but in no case shall exceed the withdrawal permitted to the applicant as of April 1, 2006:

(a) for the public water supply use class, the maximum quantity of water withdrawn by the applicant from the permitted source during any consecutive twelve month period during the five years preceding April 1, 2006. If a permit allocation existing as of April 1, 2006 contains an allocation based on a conversion of a water treatment system, the base condition water use shall be increased to account for the additional volume used as if the modified treatment system was operational as of April 1, 2006;

(b) for the irrigation use class, the quantity of water calculated using Section 2.3.2 to meet demands for the following: 1) the number of acres actively irrigated by the applicant over the duration of the irrigation permit

existing as of April 1, 2006; or 2) if the irrigation project, or a portion thereof, has not yet been constructed pursuant to a required surface water management construction permit or environmental resource permit as of April 1, 2006, the number of acres authorized to be irrigated by such project when constructed, consistent with a water use permit existing as of April 1, 2006;

(c) for the diversion and impoundment use class, the demands of the applicant calculated pursuant to Section 2.7.2 for the physical conditions of the diversion and impoundment system as of April 1, 2006; or

(d) for other use classes, the quantity of water withdrawn by the applicant during the twelve months preceding April 1, 2006.

In determining the base condition water use, pursuant to subsections (a) through (d) above, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure. Only uses conducted consistent with the existing consumptive use permit limiting conditions shall be considered in identifying the base condition water use. The base condition water use shall not exceed that permitted as of April 1, 2006.

The base condition water use shall include water made available through implementation of offsets, alternative water supplies, or terminated or reduced base condition water uses, specifically required by permit limiting condition to prevent increased water from being withdrawn from the subject Waterbodies. Under these circumstances, the applicant shall demonstrate that such actions were implemented and function as required by the permit.

(4) Applicants shall conduct a preliminary evaluation to determine whether the proposed use has the potential for increasing the withdrawal of water from the Waterbodies over the applicant's base condition water use. Such preliminary evaluations may include a basic analytic impact assessment described in Section 1.7.5.2.A. or other acceptable evaluation pursuant to Section 1.7.5.

If based on a preliminary evaluation the proposed use has the potential for increasing the withdrawal of water from the Waterbodies, the following two evaluations will be compared to identify any changes in location, timing and volume of the withdrawals from the Waterbodies:

(a) A quantification of the withdrawal of surface and ground water from the Waterbodies under the base condition water use; and

(b) A quantification of the withdrawal of surface and ground water from the Waterbodies under the requested allocation.

In conducting this evaluation, the applicant shall consider the timing of the withdrawals as they affect the Waterbodies, i.e., the public water supply use class requires water throughout the year based on seasonal demand trends of the service area, versus the agriculture use class which uses water based on growing cycles of the particular crop.

When evaluating the affects of the proposed use on the Waterbodies, the applicant shall evaluate the resource efficiency of the use, i.e., the public water supply class demands are based on the demands of the service area and the type of treatment, and generally do not provide return flow to the source at the location of the withdrawal; whereas, the agricultural use class demands are based on the crop type, irrigation method and soil conditions, and typically provide some component of recharge at or near the point of withdrawal. The location component is evaluated based on the distance of the withdrawal from and the specific individual area of the subject Waterbodies as depicted in as depicted in Figures 3-1 and 3-2, e.g., Water Conservation Area 1, 2A, or 2B, or the Northwest Fork of the Loxahatchee River or Loxahatchee Slough.

(5) If the comparison of the evaluations identified in subsection (4) identifies an increase in the volume or change in timing of water requested to be withdrawn from the Waterbodies, the applicant shall do one or more of the following:

(a) Certified project water. Identify that additional water from the Waterbodies has been made available through implementation of a project for water resource development, as defined in Section 373.019(22), Florida Statutes, and such water has been certified as available by the Governing Board, as defined in Section 1.8.

(b) Offsets. Propose, identify a schedule for implementation, and construct and operate adequate offsets to eliminate the projected increase in volume or change in timing of withdrawals from the Waterbodies over the base condition water use. An offset will be approved if it prevents an increase in volume or change in timing of surface and groundwater withdrawn from the Waterbodies over the base condition water use. Offsets include the use of recharge systems and seepage barriers that meet the above requirement;

(c) Alternative water supply. Propose, identify a schedule for implementation, and construct and operate alternative water supplies, as defined in Section 373.019(1), Florida Statutes. An alternative water supply will be approved under this rule if it is adequate to meet the reasonable increased demands without causing an increased volume or change in timing of the withdrawal from the Waterbodies over the base condition water use;

(d) Terminated or reduced base condition water use. Identify terminated or reduced base condition water uses as stated below. The request will be approved if the

applicant demonstrates that the requested allocation does not cause an increase in volume or change in timing of withdrawals from the Waterbodies over the applicant's base condition water use due to the reduction or elimination of other base condition water uses that existed on April 1, 2006. The applicant must demonstrate that water is available through providing documentation of the modification or termination of the historic consumptive use permit prior to issuance of the proposed permit under this rule; or,

(e) Available wet season water. Identify water is available during the wet season as set forth below. The wet season water will be approved if the applicant demonstrates that water is available under the conditions described below during the wet season, provided the applicant demonstrates that such water is not required to achieve the restoration benefits to the Waterbodies pursuant to the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program. Water available under these conditions shall be limited to the wet season discharges that are projected to persist following implementation of the entire Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program.

1. Available surface water discharges during the wet season shall be identified based on best available information at the time of permit application evaluation used to quantify surface water flows from or to the restored Waterbodies, as reflected in the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program, in their entirety;

2. Available wet season surface water discharges will be identified based on 1 in 10 drought conditions during May 1st through November 1st, as determined by annual rainfall statistics measured from gauges that are proximal to the applicant's point of withdrawal defined in Part B Water Use Management System Design and Evaluation Aids, Part IV Supplemental Crop Requirement and Withdrawal Calculation; and,

3. Wet season surface water requested by the applicant must be derived within the same hydrologic area where the available surface water is identified.

The District will assist the permit applicant in identifying the best available information necessary to make the determination of wet season water availability. Offsets, alternative water sources and terminated or reduced base condition water uses implemented after April 1, 2006 shall be considered in

addressing requested increases in withdrawals from Waterbodies under this section. Notwithstanding, as stated in subsection (3), water made available from the permitted source through offsets, alternative water supplies and terminated or reduced base condition water uses implemented consistent with permit limiting conditions to prevent increased water from being withdrawn from the subject Waterbodies, shall be considered in the base condition water use.

(6) Consistent with subsection (5), the permit applicant may obtain an allocation for additional water from the Waterbodies over the applicant's base condition water use, as identified below:

(a) Certified project water. Water certified by the Governing Board as available for consumptive use through operation of a water resource development project, as provided in paragraph (5)(a):

(b) Temporary allocation. Water temporarily required to meet the applicant's reasonable demands while implementing an alternative water supply pursuant to paragraph (5)(c) or while implementing an offset identified pursuant to paragraph (5)(b). The permit will be conditioned with dates and milestones for development of the alternative water supply or offset. A temporary allocation shall be reduced to be consistent with this section when the alternative source is projected to be available, consistent with permit limiting conditions. The temporary allocation shall be adjusted, as necessary, to reflect the offset on the Waterbodies when the offset is projected to be available, consistent with the permit limiting conditions.

The limiting conditions governing the quantity and time period for the temporary allocation shall be based on expected due diligence of the permit applicant, as determined by applying the factors in subparagraphs 1. through 3., below, to implement the alternative water supply or offset in an expeditious manner, not to exceed five years unless specifically approved by the Governing Board. The time period shall be determined considering the following factors:

1. The projected time period for design, receipt of necessary authorizations, and construction of the alternative supply or offset;

2. The timing of demands to be met from the alternative supply or offset;

3. Other factors that indicate the reasonable period required to develop the alternative supply or offset.

(c) Water made available through implementation of offsets or the termination or reduction of base condition water use withdrawals. Water made available through implementation of offsets pursuant to paragraph (5)(b) or water made available through the termination or reduction of other users' base condition water use withdrawals pursuant to paragraph (5)(d), consistent with permit limiting conditions; or,

(d) Available wet season water. Water available during the wet season, provided the applicant demonstrates that such water is not required to achieve the restoration benefits to the Waterbodies pursuant to the Comprehensive Everglades Restoration Plan, North Palm Beach County Comprehensive Water Management Plan, and the Acceler8 program, pursuant to paragraph (5)(e). Pursuant to permit limiting conditions, additional surface water withdrawals will be permitted only

when flood control regulatory releases are being made, and not when water supply deliveries are being made, from the Waterbodies.

(7) Permit applicants must meet the requirements of any established minimum flow and level and water reservation, if applicable.

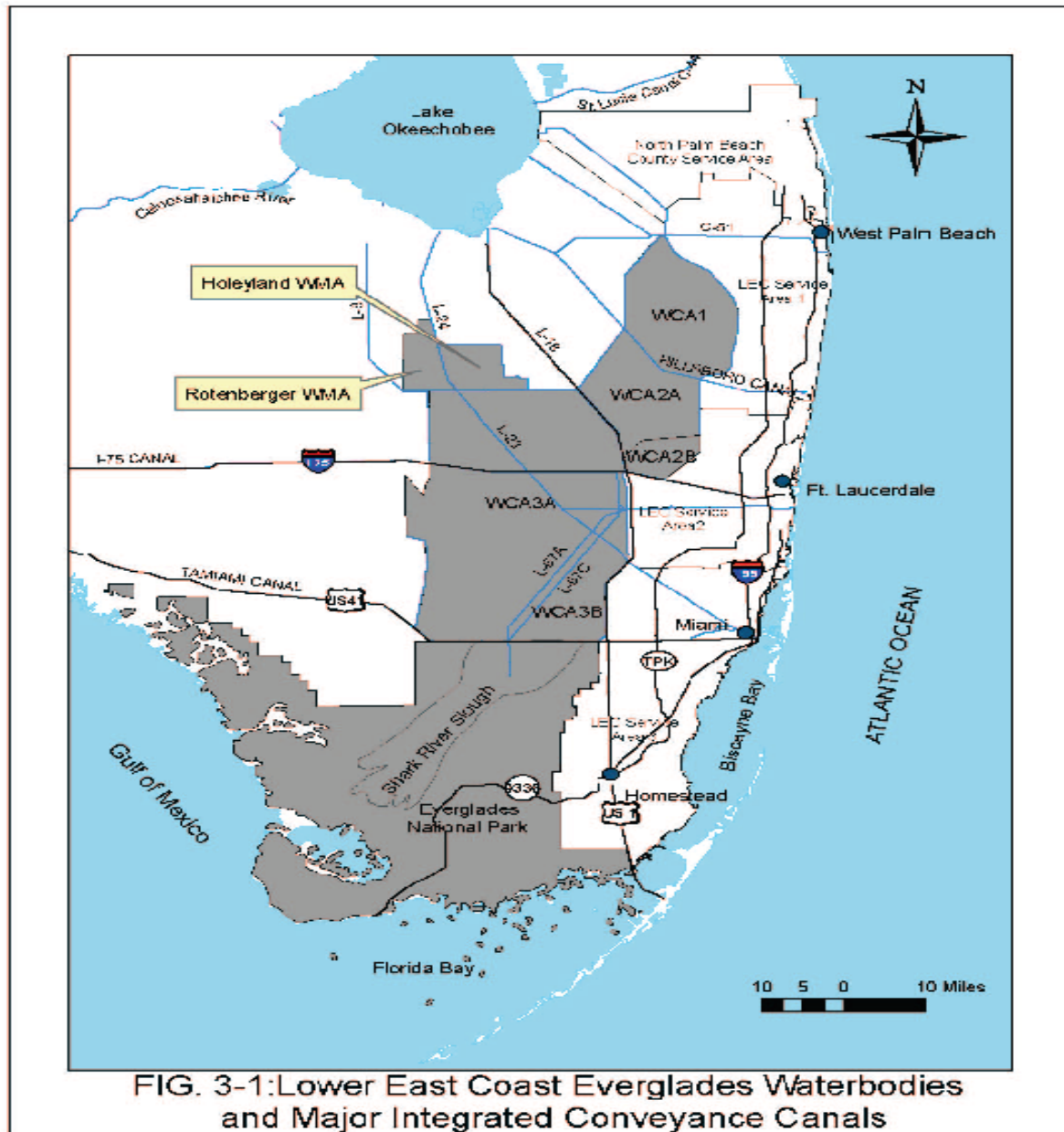
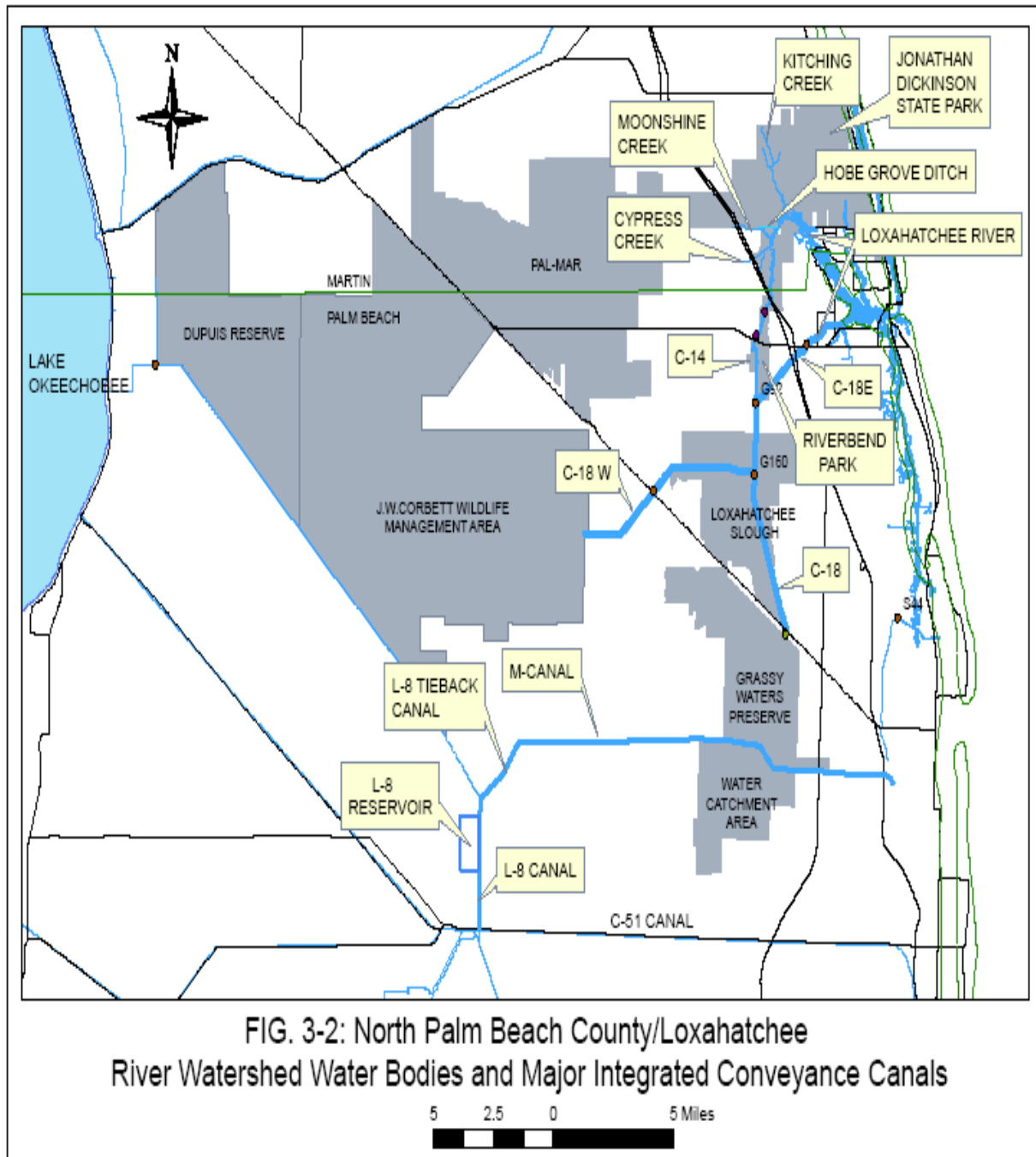


FIG. 3-1: Lower East Coast Everglades Waterbodies and Major Integrated Conveyance Canals



40E-2.301 Conditions for Issuance of Permits.

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

(h) Makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.

(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, 8-31-03, \_\_\_\_\_.

40E-2.321 Duration of Permit.

General Duration Provision. When requested by an applicant, a consumptive use permit shall have a duration of 20 years provided the applicant provides sufficient data to demonstrate reasonable assurance that the proposed use meets the conditions for issuance for the requested 20 year permit duration; or otherwise, permits may be issued for a shorter duration that reflects the period for which such reasonable assurances can be provided. This determination will be made pursuant to requirements in Rule 40E-2.301, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History–New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 8-31-03, \_\_\_\_\_.

40E-2.331 Modification of Permits.

(1) through (2) No change.

(3)1. through 2. No change.

3. Does not potentially interfere with any presently existing legal use of water, cause environmental harm, saltwater intrusion, pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of whether such impacts would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C.; and

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 9-3-81, Formerly 16K-2.09(1), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 8-1-02, \_\_\_\_\_.

40E-2.381 Limiting Conditions.

The Board shall impose on any permit granted under this chapter such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-2.091, F.A.C., shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219(1) FS. History–New 9-3-81, Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 8-1-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Supply Policy Implementation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference the Amended Operating Agreement Concerning the Regulation Under Part IV, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and the Department of Environmental Protection.

SUMMARY: The Amended Operating Agreement between the South Florida Water Management District (District) and the Florida Department of Environmental Protection (FDEP) will: 1)clarify which mining projects are retained by FDEP; 2) provide that the District will review boat docks associated with residential development even if the upland development qualified for a no-notice general permit; 3) provide that the



District can review utility lines which are contained within projects under the District's review; 4) eliminate Aquaculture from the agreement; 5) clarify process for review or transfer of incorrectly submitted applications; and 6) provide a revision of the threshold for District review of single family homes to four or more contiguous lots.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

**LAW IMPLEMENTED:** 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

**DATE AND TIME:** April 12, 2007, beginning at 9:00 a.m.

**PLACE:** South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, (561)682-2087 or 1(800)432-2045, ext. 2087.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6866, or 1(800)432-2045, ext. 6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6299, or 1(800)432-2045, ext. 6299, email: jsluth@sfwmd.gov.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., ~~and Aquaculture General Permits under Section 403.814, F.S.~~, between South Florida Water Management District and Department of Environmental Protection, effective \_\_\_\_\_ ~~December, 1998.~~

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, \_\_\_\_\_

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Anita R. Bain, Division Director, Natural Resource Management Division

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** South Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 14, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** September 1, 2006

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40E-4.302	Additional Conditions for Issuance of Permits

**PURPOSE AND EFFECT:** To update the reference to the Amended Operating Agreement Concerning the Regulation Under Part IV, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and the Department of Environmental Protection.

**SUMMARY:** The Amended Operating Agreement between the South Florida Water Management District (District) and the Florida Department of Environmental Protection (FDEP) will: 1) clarify which mining projects are retained by FDEP; 2) provide that the District will review boat docks associated with residential development even if the upland development qualified for a no-notice general permit; 3) provide that the District can review utility lines which are contained within projects under the District's review; 4) eliminate Aquaculture from the agreement; 5) clarify process for review or transfer of incorrectly submitted applications; and 6) provide a revision of the threshold for District review of single family homes to four or more contiguous lots.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS.

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

DATE AND TIME: April 12, 2007, beginning at 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk's Office, (800)432-2045, ext 2087, or (561)682-2087.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6866, or 1(800)432-2045, ext. 6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6299, or 1(800)432-2045, ext. 6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether the applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration a permit applicant's violation of any Department rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to a delegation, or any District rules adopted pursuant to Part IV,

Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce the rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, is set forth in the "Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits under Section 403.814, F.S.,~~ between South Florida Water Management District and Department of Environmental Protection" ~~October 27, 1998,~~ incorporated by reference in Rule 40E-4.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History--New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Division Director, Natural Resource Management Division

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-8.421 RULE TITLE: Prevention and Recovery Strategies

PURPOSE AND EFFECT: To regulate the use of water from the Everglades and North Palm Beach County/Loxahatchee River Watershed Waterbodies ("Waterbodies") by the Lower East Coast and Northern Palm Beach County urban areas within Dade, Broward, Palm Beach and Martin counties.

SUMMARY: The proposed rule amendments will limit increasing permit allocations from depleting water needed for recovery and restoration of the Waterbodies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District's Clerk's Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wm. Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6817 or (561)682-6817; email: sburns@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P.O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-8.421 Prevention and Recovery Strategies.

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

(c) The rules implementing water resource protection tools, including Chapters 40E-2, 40E-8, 40E-20, 40E-21, and 40E-22, F.A.C., and the "Basis of Review for Consumptive Use Permits Within the South Florida Water Management District \_\_\_\_\_, 2007", identify the specific factors and conditions that will be applied and considered in implementing the conceptual model. Due to the extreme variations in water resource conditions, climatic conditions, hydrologic conditions, and economic considerations that will be faced when implementing these rules, it is critical to apply such criteria flexibly and to reserve for the governing board the ability to implement water resource protection and allocation programs considering all of the District's missions under Chapter 373, F.S., and to balance water supply, flood protection, resource protection and water quality protection needs. Implementation of the recovery and prevention strategies will be achieved in compliance with the assurances to consumptive users and to natural systems contained in the LEC Plan and the LWC Plan.

(d) through (f) No change.

(2) through (6) No change.

(7) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent.

(a) The Northwest Fork of the Loxahatchee River is currently not meeting the MFL and requires implementation of a recovery strategy to achieve the MFL as soon as practicable,

consistent with Section 373.0421, F.S. The recovery strategy consists of projects contained within the following approved plans: the Lower East Coast Regional Water Supply Plan (LEC Plan), the Comprehensive Everglades Restoration Plan (CERP), and the Northern Palm Beach County Comprehensive Water Management Plan (NPBCCWMP). Four phases of recovery are identified in the Technical Documentation to Support Development of Minimum Flows and Levels for the Northwest Fork of the Loxahatchee River, November 2002, which are projected to increase flows to meet the MFL for the Northwest Fork of the Loxahatchee River. As part of the recovery strategy, as provided in this rule, the consumptive use permitting and water shortage requirements in this Chapter and Chapters 40E-2, 40E-20, and 40E-21, F.A.C., and the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007", including Section 3.2.1.E. regarding Restricted Allocation Areas for Lower East Coast Everglades Waterbodies and North Palm Beach County/Loxahatchee River Watershed Waterbodies, shall apply to consumptive use direct and indirect withdrawals from surface and groundwater sources from the Northwest Fork of the Loxahatchee River and those areas directly tributary to the Northwest Fork.

(b) through (g) No change.

(8) through (9) No change.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wm. Scott Burns, Director, Water Supply Policy Implementation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLE:
40E-20.011	Policy and Purpose
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water Use Permits
40E-20.302	Types of General Water Use Permits
40E-20.321	Duration of General Water Use Permits

40E-20.331 Modification of General Water Use Permits

40E-20.381 Limiting Conditions

PURPOSE AND EFFECT: To regulate the use of water from the Everglades and North Palm Beach County/Loxahatchee River Watershed Waterbodies (“Waterbodies”) by the Lower East Coast and Northern Palm Beach County urban areas within Dade, Broward, Palm Beach and Martin counties.

SUMMARY: The proposed rule amendments will limit increasing permit allocations from depleting water needed for recovery and restoration of the Waterbodies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.083, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219, 373.223, 373.236, 373.229 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District’s Clerk’s Office, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wm. Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6817 or (561)682-6817; email: sburns@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P.O. Box 24680, West Palm Beach, FL 33416, (800)432-2045, ext. 6299 or (561)682-6299; email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-20.011 Policy and Purpose.

(1) No change.

(2) District staff shall take ~~final~~ agency action on applications submitted under this rule pursuant to Section 373.118, F.S., and this chapter. If an application for any proposed water use does not meet the provisions of this chapter, the District will provide the permit applicant with the option to either withdraw the general permit application, or supply the additional information and fee required for an individual permit. In the event one of these options is not selected, staff will recommend that the Governing Board deny the general permit application. Where applicable, criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C., will be utilized to determine whether the conditions for issuance in Rule 40E-20.301, F.A.C., are satisfied.

Specific Authority 373.044, 373.083, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.083, 373.103(4), 373.118, 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007 ~~August 31, 2003~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03,\_\_\_\_\_.

(Note: The proposed changes to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 31, 2003” are provided in the Notice of Proposed Rule for Chapter 40E-2, F.A.C., included in this edition of the Florida Administrative Weekly.)

40E-20.301 Conditions for Issuance of General Water Use Permits.

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

(h) For uses with a recommended maximum allocation which exceeds 3 million gallons per month, makes use of a reclaimed water source in accordance with the criteria contained in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C.

(i) through (j) No change.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C., are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03,\_\_\_\_\_.

40E-20.302 Types of General Water Use Permits.

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

(b) Major Standard General Water Use Permit, authorizes allocations greater than three (3) million and up to fifteen (15) million gallons per month, and includes a requirement under paragraph 40E-20.301(1)(h), F.A.C., and the applicable requirements in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C., that the permit applicant meet the requirements for use of reclaimed water. In addition the monitoring and reporting permit limiting conditions in Sections 4.0 and 5.0 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C., are applicable.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.321 Duration of General Water Use Permits.

(1) through (2)(a) No change.

(b) For uses with a maximum monthly allocation greater than 3 mgm (up to 15 mgm), authorized by a Major Standard General Water Use Permit, the period shall not exceed the basin expiration date as specified in the document described in Rule 40E-20.091, F.A.C., as applicable to the location of the project; or, for Major Standard General Water Use Permits issued, renewed or modified after the applicable basin expiration date, the period shall be based on the provisions in Rule 40E-2.321, F.A.C., and the applicable provisions in the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in Rule 40E-20.091, F.A.C.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.236 FS. History–New 9-3-81, Formerly 16K-2.031(2)(j), 16K-2.032(2)(d), Amended 7-26-87, 4-20-94, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.331 Modification of General Water Use Permits.

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

3. Does not potentially interfere with any presently existing legal use of water, cause harm to wetlands or other surface waters, harmful saltwater intrusion or pollution of the water resources, harm to offsite land uses, or does not otherwise raise issues requiring a Staff determination of

whether harm to the water resources would occur pursuant to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007”, incorporated by reference in Rule 40E-20.091, F.A.C.;

4. through 5. No change.

(b) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History–New 4-20-94, Amended 7-11-96, 4-9-97, 12-10-97, 8-14-02, 8-31-03,\_\_\_\_\_.

40E-20.381 Limiting Conditions.

Staff shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007” incorporated by reference in subsection 40E-20.091(1), F.A.C., shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – \_\_\_\_\_, 2007 ” shall be in the permit.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History–New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 11-4-01, 8-14-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Wm. Scott Burns, Director, Water Supply Policy Implementation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.:  
61G5-24.002

RULE TITLE:  
Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees

PURPOSE AND EFFECT: To address fees.

SUMMARY: Increases the initial specialty registration fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.2171, 477.016, 477.026 FS.

LAW IMPLEMENTED: 455.2171, 477.026(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.002 Original Cosmetologist Licensure Fee, Cosmetologist Examination and Endorsement Fees, Initial Specialist Registration; Application and Endorsement Fees.

(1) The following fees are adopted by the Board:

(a) The fee for original licensure as a cosmetologist shall be twenty-five dollars (\$25.00) and shall be paid by all applicants for licensure.

(b) The examination fee for licensure as a cosmetologist by examination shall be fifty dollars (\$50.00). When the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, F.S., twenty-three dollars (\$23.00) of the examination fee shall be payable to the Department; and, twenty-seven dollars (\$27.00) shall be payable to the professional testing service.

(c) The application fee for licensure as a cosmetologist by endorsement shall be fifty dollars (\$50.00).

(d) The fee for initial registration as a specialist shall be ~~fifty twenty-five~~ fifty dollars (~~\$25.00~~) (\$50), and shall be paid by all applicants for registration.

(e) The application fee for registration as a specialist shall be thirty dollars (\$30.00).

(f) The fee for registration as a specialist by endorsement shall be thirty dollars (\$30.00).

(2) No change.

Specific Authority 455.2171, 477.016, 477.026 FS. Law Implemented 455.2171, 477.026(1)(b) FS. History–New 11-2-80, Amended 5-18-82, 10-1-85, Formerly 21F-24.02, Amended 9-6-87, Formerly 21F-24.002, Amended 4-13-99, 3-29-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.008  
RULE TITLE: Biennial Renewal Fee for Cosmetologists and Specialists

PURPOSE AND EFFECT: To address fees.

SUMMARY: Increase the biennial renewal fee for Cosmetology licenses and Specialists registrations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.016, 477.026 FS.

LAW IMPLEMENTED: 477.026(1)(a), (e) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.008 Biennial Renewal Fee for Cosmetologists and Specialists.

The fee for biennial renewal of a cosmetologist’s license shall be twenty-five dollars (\$25.00). The fee for biennial renewal of a specialist’s registration shall be ~~fifty thirty~~ fifty dollars (~~\$30.00~~) (\$50.00).

Specific Authority 477.016, 477.026 FS. Law Implemented 477.026(1)(a), (e) FS. History–New 11-2-80, Amended 6-3-82, 10-1-85, Formerly 21F-24.08, Amended 10-18-87, 1-10-90, Formerly 21F-24.008, Amended 8-26-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.010  
 RULE TITLE: Delinquent License and Specialty Registration Fee

PURPOSE AND EFFECT: To address fees.  
 SUMMARY: Increases the delinquent registration renewal fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 455.271(7), 477.026(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.010 Delinquent License and Specialty Registration Fee.

A licensee who is delinquent in applying for renewal shall pay a delinquent fee of twenty-five dollars (\$25.00). A registrant who is delinquent in applying for renewal shall pay a delinquent fee of ~~fifty thirty~~ fifty dollars (\$50.00) (~~\$30.00~~). Such fee shall be in addition to the renewal.

Specific Authority 477.016 FS. Law Implemented 455.271(7), 477.026(1) FS. History—New 9-12-94, Amended 12-27-95, 8-26-96, 11-11-96,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-24.017  
 RULE TITLE: Inactive Status License and Specialty Registration Fees

PURPOSE AND EFFECT: To address fees.

SUMMARY: Increases the renewal fees for inactive license and registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 477.016, 477.0212(2) FS.

LAW IMPLEMENTED: 477.0212(2), 477.026, 455.271(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.017 Inactive Status License and Specialty Registration Fees.

(1) The fee for renewal of an inactive license shall be fifty ~~twenty five~~ dollars (\$50.00) (~~\$25.00~~).

(2) The fee for renewal of an inactive registration shall be fifty ~~twenty~~ dollars (\$50.00) (~~\$20.00~~).

Specific Authority 477.016, 477.0212(2) FS. Law Implemented 477.0212(2), 477.026, 455.271(3) FS. History—New 3-29-84, Formerly 21F-24.17, Amended 10-18-87, Formerly 21F-24.017, Amended 9-12-94, 8-27-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-204.800  
 RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through December 31, 2006, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 52, 60, 63 and 96.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Rebecca Robinette, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (2) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743.

(4) through (7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 2. No change.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. through 74. No change.

75. 40 CFR 60, Subpart EEEE, Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification of Reconstruction Is Commenced on or After June 16, 2006; promulgated December 16, 2005, at 70 FR 74869; amended November 24, 2006, at 71 FR 67802. Any solid waste incineration unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR Part 60, Subpart EEEE, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with subparagraph 62-213.420(1)(a)2., F.A.C., or by December 18, 2006, whichever comes later.

76. through 77. No change.

(c) through (e) No change.

(9) through (10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603; except that the Secretary is not the Administrator for purposes of 40 CFR 63.106(c)(1) through (4).

2. 40 CFR 63, Subpart G, Organic Hazardous Air Pollutants From the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended June 23, 2003, at 68 FR 37333; amended December 23, 2004, at 69 FR 76859; amended April 20, 2006, at 71 FR 20445; amended December 21, 2006, at 71 FR 76603; except that the Secretary is not the Administrator for purposes of 40 CFR 63.153(c)(1) through (4).

3. through 24. No change.



25. 40 CFR 63, Subpart II, Shipbuilding and Ship Repair (Surface Coating); amended June 23, 2003, at 68 FR 37333; amended December 29, 2006, at 71 FR 78369; except that the Secretary is not the Administrator for purposes of 40 CFR 63.789(c)(1) through (4).

26. through 42. No change.

43. 40 CFR 63, Subpart EEE, Hazardous Waste Combustors; amended July 3, 2001, at 66 FR 35087; amended October 15, 2001, at 66 FR 52361; amended December 6, 2001, at 66 FR 63313; amended February 13, 2002, at 67 FR 6791; amended February 14, 2002, at 67 FR 6967; amended December 19, 2002, at 67 FR 77687; amended June 23, 2003, at 68 FR 37333; amended October 12, 2005, at 70 FR 59401; amended December 19, 2005, at 70 FR 75042; amended April 20, 2006, at 71 FR 20445; amended October 25, 2006, at 71 FR 62388; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1214(c)(1) through (4).

44. through 47. No change.

48. 40 CFR 63, Subpart LLL, Portland Cement Manufacturing Industry; amended April 5, 2002, at 67 FR 16613; amended July 2, 2002, at 67 FR 44371; amended July 5, 2002, at 67 FR 44766; amended December 6, 2002, at 67 FR 72580; amended June 23, 2003, at 68 FR 37333; amended December 20, 2006, at 71 FR 76517; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1358(c)(1) through (4). If a facility becomes subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to the emission limiting requirements of 40 CFR Part 63, Subpart LLL, the facility shall submit an application for such permit no later than October 1, 2000.

49. through 65. No change.

66. 40 CFR 63, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks; promulgated April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922.

67. through 68. No change.

69. 40 CFR 63, Subpart MMMM, Surface Coating of Miscellaneous Metal Parts and Products; promulgated January 2, 2004, at 69 FR 129; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.3980(c)(1) through (4).

70. through 71. No change.

72. 40 CFR 63, Subpart PPPP, Surface Coating of Plastic Parts and Products; promulgated April 19, 2004, at 69 FR 20967; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4580(c)(1) through (4).

73. through 85. No change.

86. 40 CFR 63, Subpart DDDDD; Industrial, Commercial, and Institutional Boilers and Process, promulgated September 13, 2004, at 69 FR 55217; amended December 28, 2005, at 70 FR 76917; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7570(b)(1) through (5).

87. through 88. No change.

89. 40 CFR 63, Subpart GGGGG, Site Remediation; promulgated October 8, 2003, at 68 FR 58171; amended April 20, 2006, at 71 FR 20445; amended November 29, 2006, at 71 FR 69011; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7956(c)(1) through (4).

90. 40 CFR 63, Subpart HHHHH, Miscellaneous Coating Manufacturing; promulgated December 11, 2003, at 68 FR 69163; amended December 29, 2003, at 68 FR 75033; amended May 13, 2005, at 70 FR 25675; amended July 6, 2005, at 70 FR 38780; amended December 21, 2005, at 70 FR 75923; amended April 20, 2006, at 71 FR 20445; amended October 4, 2006, at 71 FR 58499; except that the Secretary is not the Administrator for purposes of 40 CFR 63.8100(b)(1) through (4).

91. through 101. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; except that the Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

2. through 5. No change.

(e) No change.

(12) through (24) No change.

(25) Title 40, Code of Federal Regulations, Part 96, NOx Budget Trading Program for State Implementation Plans. The following subparts of 40 CFR Part 96, revised as of July 1, 2005, or later as specifically indicated, are adopted and incorporated by reference.

(a) Subpart AA, CAIR NOx Annual Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(b) Subpart BB, CAIR Designated Representative for CAIR NOx Sources; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(c) Subpart CC, Permits; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(d) Subpart EE, CAIR NOx Allowance Allocations; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(e) Subpart FF, CAIR NOx Allowance Tracking System; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(f) through (g) No change.

(h) Subpart AAA, CAIR SO2 Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(i) Subpart BBB, CAIR Designated Representative for CAIR SO2 Sources; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(j) No change.

(k) Subpart FFF, CAIR SO2 Allowance Tracking System; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(l) No change.

(m) Subpart HHH, Monitoring and Reporting; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(n) Subpart AAAA, CAIR NOx Ozone Season Trading Program General Provisions; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(o) through (p) No change.

(q) Subpart EEEE, CAIR NOx Ozone Season Allowance Allocations; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at FR 71 74792.

(r) Subpart FFFF, CAIR NOx Ozone Season Allowance Tracking System; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

(s) No change.

(t) Subpart HHHH, Monitoring and Reporting; amended April 28, 2006, at 71 FR 25327; amended December 13, 2006, at 71 FR 74792.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-1-07.

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-28.009  
 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To allow Continuing Education credit for laws and rules by attending Board meetings.

SUMMARY: Allows a licensee to obtain continuing education credit by attending board meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(7), (8), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), 480.0415 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.009 Continuing Education.

(1) through (3)(a) No change

(b) Except as provided in subsection 64B7-28.009(1), F.A.C., ~~two hours must cover instruction in professional ethics~~, two hours must be obtained in a course relating to the prevention of medical errors, two hours must cover instruction in professional ethics and two hours must cover instruction in the laws and rules of massage therapy, including Chapters 480 and 456, F.S., and Rule Chapter 64B7, F.A.C. Up to 4 hours of continuing education credit for professional ethics and laws and rules may be earned on an hour for hour basis by physically attending Board meetings, provided that:

1. The licensee signs in with the Executive Director of the Board prior to the beginning of the meeting;

2. The licensee remains in continuous attendance at the meeting;

3. The licensee signs out of the meeting with the Executive Director of the Board in a pre-arranged time and manner.

4. The licensee does not have a related discipline or licensure matter on the agenda for the same meeting day.

(c) through (5) No change.

Specific Authority 456.013(7), (8), (9), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (8), (9), 480.0415 FS History–New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.: 64B7-30.004 RULE TITLE: Citations

PURPOSE AND EFFECT: To address the penalty for new statutory violations.

SUMMARY: Designate a \$100.00 penalty for failing to identify one’s self.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-30.004 Citations.

(1) through (3)(l) No change

(m) Failing to identify to a patient verbally or in writing, which may include wearing of a name tag, that a licensee is practicing as a licensed massage therapist, in violation of Section 456.072(1)(t), F.S., shall result in a penalty of \$100.00.

(4) through (5) No change.

Specific Authority 456.072, 456.077 FS. Law Implemented 4456.072, 456.077 FS. History–New 1-1-92, Amended 11-15-92, Formerly 21L-30.004, Amended 9-30-93, 12-12-93, 4-21-97, Formerly 61G11-30.004, Amended 8-16-98, 7-18-99, 7-27-00, 10-12-03, 8-9-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-6.001 RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education courses.

SUMMARY: The amendments to the Rule set forth the new requirements for an applicant who seeks to renew his/her license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013 (8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) through (2) No change.

(3) The persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the HIV/AIDS course pursuant to subsection % of this rule and Section 456.033, Florida Statutes, for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) No change.

The hours can be obtained in the following manner:

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

(a) Direct Delivery of Respiratory Care Services	A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.
1. Medical Errors	2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.
2. HIV/AIDS	At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within five (5) years of first biennium.
(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)	No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.
(c) Home Study Courses	No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

Specific Authority 456.013(8), 468.361(2) Law Implemented 468.361 FS. History--New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2007

(1) No change.  
(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-6.004  
RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the Rule for continuing education courses.

SUMMARY: The proposed Rule will amend the procedures for approval of attendance at continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

(a) Attendance at offerings that are approved by:  
1. The American Association for Respiratory Care (AARC) as Category I or III,  
2. The Florida Society for Respiratory Care, and – 460.

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services;

(b) through (f) No change.  
(g) Attendance at scheduled public meetings of the Board of Respiratory Care, up to a maximum of 8 continuing education direct patient care hours per biennium.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care appropriate continuing

education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) No change.

(5) Members of the Board's Probable Cause Panel shall receive two hours of medical errors and 3 hours of direct patient care credit per biennium for their service on the Panel.

(6) The Board shall make exceptions for licensee from the continuing education requirements, including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements, upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: (1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; (2) where the licensee can demonstrate that the required course(s) are not reasonably available; and (3) where the licensee can demonstrate economic, technological, or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 468.353(1), 468.361(2) Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER NO.: 64E-15  
RULE CHAPTER TITLE: Mobile Home, Recreational Vehicle, and Lodging Parks and Recreational Camps

RULE NO.: 64E-15.005  
RULE TITLE: Sanitary Facilities

PURPOSE AND EFFECT: Currently recreational vehicle (RV) parks must have a certain number of sanitary facilities, dump stations and potable water supply stations, based on the number of RV spaces in the park. However, if an RV park only allows self contained recreational vehicles and has a water and sewer hookup at each RV site, the sanitary facilities

requirement is redundant. The proposed change will remove the need for redundant sanitary facilities (showers, toilets, urinals, handwashing fixtures), dump stations and potable water supply stations in RV parks. The effect of this change will eliminate a financial burden on persons regulated by the department.

SUMMARY: The proposed amendment to Rule 64E-15.005, F.A.C., establishes an exemption from department required sanitary facilities, dump station and potable water rules for RV parks that only allow self contained recreational vehicles on site.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 513.05 FS.

LAW IMPLEMENTED: 513.05 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 2, 2007, 10:00 a.m.

PLACE: Room 301, 4042 Bald Cypress Way, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 7 days in advance. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 or 1(800)955-8770(Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David B. Wolfe, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-15.005 Sanitary Facilities.

(1) through (5) No change.

(6) If a park owner files a letter with the county health department stating the recreational vehicle park has a potable water and sewer hook-up at each site and the park only rents to recreational vehicles that are self contained units, the park will be exempt from the sanitary facilities requirements in 64E-15.005(2),(4), F.A.C., the sewage disposal requirements in 64E-15.004(5),(6),(7), F.A.C., and the water requirements in 64E-15.003(3)(b), F.A.C.

Specific Authority 381.011, 513.05 FS. Law Implemented 381.006(6), (14), 386.041, 513.012 FS. History–New 5-20-96, Formerly 10D-26.140, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David B. Wolfe  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Edith Coulter  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 21, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 7, 2007

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.006  
RULE TITLE: Manufactured and Prototype Buildings

PURPOSE AND EFFECT: To adopt procedures for inplant review and inspection of plans and manufactured and prototype buildings which will make them uniform with the Florida Building Code.

SUMMARY: The proposed amendment allows the option of having plans review and inspection of manufactured and prototype buildings done at the manufacturing plant, as long as the review and inspection is done by a person currently certified as a firesafety inspector under Section 633.081(2), F.S. If the option is exercised, the Manufacturer’s Modular Data Plate will reflect compliance with Chapter 633, F.S., and the rules of the Department. The local fire official must recognize and approve the manufactured building, subject only to acceptable performance testing of lifesafety systems, and site conditions. If the Manufacturer’s Modular Data Plate reflects that an inplant review and inspection has not been conducted, the local firesafety inspector must conduct a firesafety inspection and require all modifications necessary to bring the building into compliance with Chapter 633, F.S., and the rules of the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.025 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.025 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, April 3, 2007, 1:00 p.m.

PLACE: Third Floor Conference Room, Atrium Building, 425 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Millicent King, (850)413-3619. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)414-6119

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.006 Manufactured and Prototype Buildings.

(1) No change.

(2) With respect to inplant plans review and inplant inspections of any manufactured or prototype buildings, each manufacturer of manufactured or prototype buildings is permitted the option to provide for such plans review and inspections as long as such functions are provided by a person currently certified as a firesafety inspector under Section 633.081(2), F.S., at its option:

~~(a) Contract with any person currently certified as a firesafety inspector under Section 633.081, F.S., from a list to be provided by the Department; or~~

~~(b) Provide for one or more of its employees to become certified under Chapter 69A-39, F.A.C.~~

(3) Each manufacturer shall notify the Department of the option that it has chosen prior to having any firesafety inspection performed on a manufactured building.

(4)(a) The Manufacturer’s Modular Data Plate shall state that the manufactured building is, or is not, in compliance with Chapter 633, F.S., and the rules of the Department.

~~(b) If the Manufacturer’s Modular Data Plate indicates that the building is in compliance with Chapter 633, F.S., and the rules of the Department, the local fire official shall recognize and approve such manufactured building, subject to acceptable performance testing of life safety systems, and site conditions. Nothing in this section prevents or prohibits a fire official from conducting performance tests of life safety systems.~~

~~(c) If the Manufacturer’s Modular Data Plate indicates that the building is not in compliance with Chapter 633, F.S., and the rules of the Department, the local firesafety inspector shall have the authority to conduct such firesafety inspections and to require such modifications as necessary to bring the building into compliance with Chapter 633, F.S., and the rules of the Department.~~

~~(d) This rule Nothing contained herein shall restrict the local fire official from approving the site conditions for such matters as fire department access, water supplies, and the exit discharge from the manufactured building; however, this section relating to manufactured buildings is not subject to any local amendment.~~

(e) through (f) No change.

(5) After the manufacturer has fully complied with ~~at least one option in~~ subsection (2), the Department shall advise the Department of Community Affairs of such compliance which shall constitute notice that the manufacturer is in compliance with this rule ~~the firesafety inspection requirements of the Florida Fire Prevention Code~~, or the applicable uniform code, and that firesafety inspections are being completed by certified firesafety inspectors.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History—New 11-15-01, Amended 9-8-02, Formerly 4A-60.006, Repromulgated 11-28-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Financial Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Les Hallman, Director, Division of State Fire Marshal, Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2007

**DEPARTMENT OF FINANCIAL SERVICES  
 Division of Insurance Agents and Agency Services**

RULE NO.: 69B-211.320  
 RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with the new legislation.

SUMMARY: The PPIA and CCA designations are added to the existing Accredited Claims Adjuster (ACA) and Professional Claims Adjuster (PCA) designations which relieve an insurance adjuster applicant of the examination requirement imposed by Section 626.221, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 626.221 FS.  
 LAW IMPLEMENTED: 626.221 FS.

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: Hazel Muhammad, (850)413-5460 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), or Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals, the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History—New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

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

**DEPARTMENT OF REVENUE**

RULE NO.: 12-22.007  
 RULE TITLE: Registration Information Sharing and Exchange Program