

4. Does not have reasonable continuing education requirements for its designees or certificants in order to maintain the designation or certificate.

(2) There is a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of paragraph (1)(d) above when the organization has been accredited by:

(a) The American National Standards Institute; or

(b) The National Commission for Certifying Agencies; or

(c) An organization that is on the United States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes” and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(3) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

(a) Use of one or more words such as “senior,” “retirement,” “elder,” or like words, combined with one or more words such as “certified,” “registered,” “chartered,” “adviser,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

(4) For purposes of this rule, a certification or professional designation does not include a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency, when that job title:

(a) Indicates seniority or standing within the organization;

or

(b) Specifies an individual’s area of specialization within the organization.

For purposes of this subsection, financial services regulatory agency includes, but is not limited to, an agency that regulates broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940, 15 U.S.C. s. 80a-1 et seq.

(5) Nothing in this rule shall limit the Office of Financial Regulation’s authority to enforce existing law.

Specific Authority 517.03(1), 517.1215(2), 517.1217 FS. Law Implemented 517.1215(2), 517.1217, 517.161 FS. History—New _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-29.001	Definitions
5C-29.002	General Requirements for Movement of Sheep and Goats
5C-29.003	Recordkeeping Requirements for Identification of Sheep and Goats
5C-29.004	Scrapie Free Flock/Herd Certification Programs
5C-29.005	Scrapie Monitoring and Surveillance
5C-29.006	Scrapie Flock/Herd Clean-up Plans
5C-29.007	Florida Scrapie Certification Board
5C-29.008	Materials

PURPOSE AND EFFECT: The purpose and effect of this proposed new rule is to specify, detail, and clarify a Scrapie Control and Eradication Program in Florida. The proposed new rule adopts standards established by USDA, APHIS, under its Scrapie Eradication Uniform Methods and Rules (APHIS 91-55-079, June, 2005) and Voluntary Scrapie Flock Certification Program Standards (APHIS 91-55-091, June 2007). Implementation of this proposed new rule will establish Florida in a Consistent State Status regarding the control and eradication of Scrapie in the U.S.

SUMMARY: This proposed new rule establishes general requirements, definitions, record keeping, tests and documentation for establishing and maintaining Scrapie – Free Flocks/Herds and handling infected flocks/herds in the state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 570.07(23), 570.36(2), 570.07(15), 585.002(4), 585.007 FS.

LAW IMPLEMENTED: 585.003, 585.08(1), 585.11(1), 585.14, 585.145(1),(2), 585.15, 585.16, 585.17, 585.18, 585.23, 585.40 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 RULES IS: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; Fax: (850)410-0957

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-29.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of 9 C.F.R. §§ 160–162 (2007).

(2) Administrator. The Administrator of USDA, APHIS or any person authorized to act for the Administrator.

(3) APHIS. Animal and Plant Health Inspection Service; part of the United States Department of Agriculture; responsible for protecting and promoting U.S. agricultural health and ecosystems vulnerable to invasive pests and pathogens, administering the Animal Welfare Act, and carrying out wildlife damage management activities.

(4) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities.

(5) Certified Flock/Herd. A complete monitored category flock/herd that has been continuously participating in the USDA Voluntary Scrapie Flock Certification Program Standards (APHIS 91-55-091, June 30, 2007) and has met the provisions for 5 years or more.

(6) Commingled, commingling. Animals grouped together having physical contact with each other, including contact through a fence line or sharing the same section in a transportation unit where physical contact can occur.

(7) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(8) Flock or Herd. All animals maintained on a single premises and all animals under common ownership or supervision on two or more premises with animal interchange between the premises.

(9) Flock/Herd of origin. The flock/herd in which an animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

(10) Goat. Any ruminant of the genus Capra.

(11) Intrastate. Existing or occurring within the boundaries of the state.

(12) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health official of the state of origin.

(13) Official Individual Identification. A form of unique individual animal identification, as follows:

(a) Official Eartags. A tamper-evident eartag, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the following number systems:

1. National Uniform Eartagging System;
2. Animal Identification Number (AIN);
3. Premises-based numbering system; or
4. Any other numbering system approved by APHIS.

(b) Ear, tail-web or flank tattoos, using the National Uniform Tag Code number assigned by APHIS to the state of origin; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Implanted electronic chips that conform to ISO standards with a unique number that is recorded in a single, central database.

(14) Owner. A person, partnership, company, corporation, or any legal entity that has legal or rightful title to animals.

(15) Premises. A geographically distinct place or location where livestock are housed, maintained, congregated, or kept.

(16) Premises identification number. A unique number used on official eartags and tattoos to identify the premises of origin of an animal.

(17) Recognized slaughter establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or equivalent state meat inspection program.

(18) Scrapie. A non-febrile, transmissible, degenerative, disease of the central nervous system in sheep and goats.

(19) Scrapie Flock/Herd Certification Program (SFCP). A voluntary State-Federal-Industry cooperative effort as defined in the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

(20) Scrapie-positive animal. An animal for which an approved test has been conducted with positive results by NVSL or another laboratory authorized by the Administrator to conduct tests. The animal must meet the criteria of a Scrapie-positive animal as defined in 9 C.F.R. § 54.1 (2007).

(21) Sheep. Any ruminant of the genus Ovis.

(22) Source Flock/Herd. A flock/herd in which an authorized representative has determined that at least one animal was born that was diagnosed as Scrapie positive at an age of 72 months or less or in which a positive animal has resided throughout its life.

(23) Suspect animal. An animal that exhibits any clinical signs of Scrapie and that has been determined to be suspicious for Scrapie by an accredited veterinarian or by an authorized representative; an animal that has tested positive on a live animal screening test; or, an animal whose official test yielded inconclusive results.

(24) USDA. United States Department of Agriculture.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.08, 585.11(1), 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New _____.

5C-29.002 General Requirements for Movement of Sheep and Goats.

(1) Identification Requirements.

(a) All sheep and goats moved intrastate or interstate for any purpose must be officially identified to their flock/herd of birth. All sheep and goats that change ownership for any purpose must be officially identified to their flock/herd of birth as required by 9 C.F.R. § 79.2 (2007). In cases where the flock/herd of birth can not be determined, the sheep and goats must be officially identified to the flock/herd of origin.

(b) Official Identification Methods: Only APHIS approved identification methods of sheep and goats as required by the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005, may be used. Such identification methods must be permanent or tamper evident, secure, carry a unique premises and individual animal number and traceable to flock/herd of birth or flock/herd of origin. Approved methods of identification include:

1. Official USDA-APHIS-VS eartags.

2. Premises identification tattoos (must be legible and contain the flock/herd number and unique animal number).

3. Official registry tattoos (must be accompanied by either official breed registration certificate or an OCVI that includes the corresponding official registration number), or

4. Electronic microchip/implant (must be accompanied by owner statement of ID numbers and chip manufacturer, and agent should have a chip reader for verification of placement).

(2) Responsibility for Identification of Sheep and Goats.

(a) Primary Responsibility. The owner of the flock/herd of origin has the primary responsibility for identification of all sheep and goats before moving their animals and involving them in intrastate commerce and before they are commingled with animals from different flocks/herds of origin. If official identification has not been placed on the sheep or goats by the owner before leaving the flock/herd of origin and moving them for the purpose of involving them in intrastate commerce, the owner must assure that the sheep or goats are officially identified before the animals are commingled with sheep and goats from different flocks/herds of origin and before change of ownership.

(b) Secondary Responsibility. Persons with secondary responsibility to identify sheep or goats include:

1. A person who delivers any sheep or goats to a place where they will be commingled must ensure that the sheep or goats are officially identified to their premises of origin before allowing contact with sheep or goats from different flocks/herds or before change of ownership.

2. A person who receives any sheep or goats that are required to be identified to their premises of origin must ensure that the sheep or goats are officially identified to their premises of origin before commingling with sheep or goats from different flocks/herds or before change of ownership.

(3) Retagging Sheep and Goats with Lost Identification.

(a) If a sheep or goat loses its identification to its flock/herd of birth or origin while in intrastate or interstate commerce the person that has control or possession of the sheep or goat is responsible for identifying the animal before commingling with sheep or goats of different flocks/herds of origin.

(b) The person retagging the sheep or goat shall record the identification number and the flock/herd of origin of the animal. If the flock/herd or origin can not be determined all possible flocks/herds of origin shall be listed in the records.

(4) Removal of Official Identification Prohibition.

(a) No person shall remove or tamper with any official identification device.

(b) Official identification devices which are damaged and are no longer functional may be replaced provided all possible flocks/herds of origin are listed in the record associated with the application of the new official identification.

(5) Violations. Sheep and goats entering the state, moving within the state, or changing ownership in violation of the provisions of this chapter may be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported or moved in violation of this rule will return the animals to the state or flock/herd of origin as directed by the Division.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New _____.

5C-29.003 Recordkeeping Requirements for Identification of Sheep and Goats.

(1) Any individual authorized to apply official identification, under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records of sales of all sheep and goats.

(2) Each person required to keep records under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records for five years even if the animal is no longer on the premises. Such records shall be available for inspection by any authorized representative of the department during ordinary business hours upon request.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1), (2) FS. History—New _____.

5C-29.004 Scrapie Free Flock/Herd Certification Programs.

(1) Complete Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of Scrapie as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 5 years of active participation in the SFCP with annual records review.

(2) Export Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of and eligible to be exported as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 7 years of participation in the SFCP and specified testing within herd or flock.

(3) Selective Monitored – Slaughter lamb/kid producers who wish to have an additional method of surveillance in large production flocks/herds have the opportunity to enroll their flock/herd in the APHIS sponsored program as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1) FS. History–New _____.

5C-29.005 Scrapie Monitoring and Surveillance.

(1) Clinical suspects and test-positive animals will be handled in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) Mature traceable animals that are dead or down at market will be sampled and tested when practical to do so in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(3) Sampling and testing of mature traceable sheep at slaughter will be handled by APHIS in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.03, 585.11(1), 585.14, 585.145(1), 585.16 FS. History–New _____.

5C-29.006 Scrapie Flock/Herd Clean-up Plans.

(1) All flocks/herds determined to be infected with Scrapie shall be placed under quarantine and handled in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) All flocks/herds containing animals suspicious for, and source flocks/herds, will be placed under quarantine and investigated in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007(15), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.08(1), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.23, 585.40 FS. History–New _____.

5C-29.007 Florida Scrapie Certification Board.

In accordance with the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007, APHIS is authorized to establish a State Certification Board. The board shall administer the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007; review program enrollment and status advancement; review situations that may result in reduction of certification status or dismissal from the program; and educate producers regarding Scrapie.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.11(1), 585.14 FS. History–New _____.

5C-29.008 Materials.

(1) 9 C.F.R. § 54.1 (2007), 9 C.F.R. §§ 79.2-79.6 (2007) and 9 C.F.R. §§ 160-162 (2007) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(2) USDA Scrapie Eradication Uniform Methods and Rules, June 1, 2005, APHIS 91-55-079, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(3) USDA Voluntary Scrapie Flock Certification Program Standards, June 30, 2007, APHIS 91-55-091 is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(4) Federal Meat Inspection Act (21 U.S.C. § 601 *et seq.* (2007)) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.08, 585.11(1), 585.15, 585.16 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; Fax: (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Thomas Holt, Director, Division of Animal Industry/State Veterinarian, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; Fax: (850)410-0957

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-40
 RULE CHAPTER TITLE: Highway Beautification and Landscape Management

RULE NOS.:
 14-40.003 Highway Landscape Projects
 14-40.020 Grant Application Process
 14-40.022 Florida Highway Beautification Council Grant Award Process
 14-40.023 Funding, Construction, and Maintenance of Beautification Projects
 14-40.030 Application and Permit Issuance

PURPOSE AND EFFECT: Rule Chapter 14-40, F.A.C., is being amended for clarification of language, including changing “vegetation management” zones to “view” zones, a term that is defined in Section 479.106, Florida Statutes. Also, revised figures 2 and 3 replace the existing figures 2 and 3, and a revised Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, is incorporated by reference. References to the Florida Highway Beautification Council are changed from “FHBC” to “Council.”

SUMMARY: Rule Chapter 14-40, F.A.C., is being amended and a revised application form is incorporated by reference.

SPECIFIC AUTHORITY: 334.044(2), 337.2505, 339.2405 FS.
 LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL AT THE DATE, TIME, AND PLACE SHOWN BELOW:

DATE AND TIME: July 22, 2008, 1:00 p.m.

PLACE: Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Room 250 (Suwannee Room), Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. No landscaping may be altered, removed, or installed on the Department’s right of way by any person without written authorization by the Department pursuant to this Rule Chapter. All requirements for restoring the Department’s right of way and highway landscape projects, where such restoration is made necessary by the construction or maintenance of utilities, are specified in the *Utility Accommodation Manual*, incorporated by reference under Rule 14-46.001, F.A.C. Requests to remove, cut, or trim, vegetation that screens outdoor advertising signs for which outdoor advertising sign permits have been issued pursuant to Chapter 479, F.S., must be made in accordance with Part III of this Rule Chapter.

(2) Definitions.

(a) “Abutting Private Property Owner” means any person or entity having lawful control of land which adjoins, or is contiguous to, Department non limited access right of way.

(b) “Department” means the Florida Department of Transportation.

(c) “Highway Landscape Project” means any planned or actual landscape or landscaping on Department right of way, including construction or installation, planning, beautification, and maintenance thereof, by a local government entity, non governmental entity, or abutting private property owner.

(d) “Landscape” or “Landscaping” means any vegetation, mulches, irrigation systems, and any site amenities, such as, street furniture, decorative paving, fences, and lighting (excluding public utility street and area lighting).

(e) “Local Governmental Entity” means as defined in Section 11.45(1)(e), F.S.

(f) “Non Governmental Entity” means any person or organization, other than a governmental entity, who seeks approval of a highway landscape project.

(g) “Screen” or “Screening” means the planting or installation of any vegetation or other landscape material which will reach a height greater than the height of the bottom of the lowest sign face, as viewed from a height of 3.5 feet above the roadway surface at the edge of the travel lane closest to the outdoor advertising sign.

(h) “View Zone” means as defined in Section 479.106(6), F.S.

(3) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Architect Manager can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. Project data must be included on sheet 1 of the plans, and must include a location map with beginning and end of project mile posts, index of plans included in the set, state road number, local government and contact information, and name and address of the person and firm who prepared the plans.

2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements (inches, feet, yards, miles, etc.). Plans must be drawn at no less than 100 scale (1 inch =100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, ~~view vegetation management~~ zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.

3. ~~Only B~~blackline, blue line, or xerographic reproductions will be accepted for the review process. Electronic files will be accepted when requested by the Department.

4. All proposed landscaping must be identified on the plans. For all plants, give the following information in tabular form:

Common Name
Botanical Name, including variety or cultivar
Quantity
Size when installed (height, caliper, spread, container size, clear trunk, multi-trunk, or any other descriptive aspect of the desired plants)
Maximum maintained or typical mature height, spread, and trunk diameter of normal mature plant specimens measured 6 inches above the ground.
Specifications (written and/or graphic)

5. The approval of landscape plans requires a work zone traffic control plan in accordance with FDOT Design Standard 600, and the Manual on Uniform Traffic Control Devices as incorporated by reference under Rule 14-15.010, F.A.C.

~~6.5.~~ A comprehensive maintenance plan for all proposed landscaping must accompany the plans. ~~This may be on a separate set of plans or documents. Special maintenance requirements for the plant establishment period must be noted. The intent of design elements, such as to screen a view, maintain a clear sight distance, or assist with water retention,~~

must be included in a description of the project, accompanied by a written or graphic guide describing the performance requirements of the entity responsible for maintaining the project as to the maintenance which will be provided to the plants and other areas within the project limits. The maintenance plan must include requirements necessary to maintain and manage sight distance, horizontal and vertical clearance, accessibility, plant health, form, height and spread, mulch thickness and cover, edges, weeds and litter, irrigation system(s), hardscape, lighting, benches, and site amenities, and any other requirements necessary for the design intent to be fulfilled. The maintenance plan must include a work zone traffic control plan, and define the limits of the mowing and litter control that will be performed as part of the landscape project. When the landscape project is to be maintained by the Department, a maintenance cost estimate based on anticipated scheduled maintenance activities must be an attachment to the plans. ~~Maintenance details and specifications must include the following:~~

[Editorial Note: Delete entire table.]

Mowing schedule and height of grass, along with physical depiction of the limits of the mowing that will be performed as part of the landscape project.
Fertilizing schedules, formulas, rates, and methods of application.
Weeding/edging schedule and method: chemical, mechanical, or manual.
Herbicide schedules, formulas, rates, methods of application, special instructions, and precautions.
Pruning schedule and methods. In order to have safe, healthy, and aesthetic plants, and to maintain limits of clear sight, special attention must be given to changes in the schedule due to the maturity and size as trees and shrubs grow.
Mulch materials, thickness, and replacement frequency.
Irrigation schedule, supply source, and method of application.
Special care required for any hardscape materials, lighting, signage, benches, or other site amenities.
Litter pick-up and removal schedule (prior to mowing cycle or as needed).
A work zone traffic control plan (if necessary) for installation and maintenance of the project.
An estimate of manpower and equipment required to achieve an acceptable level of maintenance.

6. ~~As built plans, or a summary of changes, are required for all landscape projects.~~

7. ~~Plans prepared by or for Department highway landscape projects must be signed and sealed by a registered landscape architect.~~

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, F.S. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. Screening is prohibited within a view permitted vegetation management zone, as defined in paragraph 14-10.030(1)(d).

2. When a landscape project is proposed within 1,000 feet approaching a permitted outdoor advertising sign which does not have an approved application for vegetation management, the landscape architect of record will notify the sign permittee at the address provided in accordance with subsection 14-10.011(2), F.A.C., that the view zone. The sign permittee has will have 30 days to submit an Application to Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 08/07, incorporated herein, in accordance with Part III of this rule chapter, that proposes the specific location of a view vegetation management zone (See Part III). The screening prohibition in 1. above will apply upon approval of the Permit for Vegetation Management at Outdoor Advertising Sign. If an Application for Vegetation Management is has not been submitted by the sign permittee within 30 days of notification, screening will be prohibited as described in paragraph 479.106(6)(b), F.S., wherever the sign face is not screened within the view zone, beginning at Terminus A and extending along the outside travel lane edge in advance of the sign until the sign face is not screened for a total of 500 feet. Contact information for any permitted sign may be obtained by contacting the State Outdoor Advertising Administrator, Florida Department of Transportation, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399-0450.

3. The limits of the screening prohibition may be adjusted pursuant to a written agreement between the sign permittee and a local governmental entity.

(c) A local governmental entity may request approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan. After review by the Department, and the making of any necessary revisions by the local governmental entity, the Department will prepare a written agreement requiring the local governmental entity to properly construct and maintain the landscape project. The landscape plan will become Exhibit A to the agreement. If separate, the maintenance plan as described in subparagraph ~~(3)(2)(a)6.7.~~ will become Exhibit B of the agreement. When the agreement is executed, and a Notice to Proceed is issued by the Department, the local governmental entity may proceed with the project.

(d) Non-governmental entities may seek approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan, and a resolution from the appropriate local government that commits the local government to execution of an agreement to properly construct and maintain the landscape project as described in paragraph (c) above.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 01/06, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. When public safety, operation of the transportation system, or the quality of the environment is jeopardized, the District Landscape Architect will require aAbutting private property owners to must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 650-050-09 to the District Landscape Architect Manager, Florida's Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, ~~telephone (954)975 4855~~. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) Government Approvals. If the proposed highway landscape project is to be located on an Interstate Highway facility, Federal Highway Administration (FHWA) review is required. Approval pursuant to this Part does not relieve the local governmental entity, non governmental entity, or abutting property owner of local or other jurisdictional requirements.

(5) Installation and Maintenance.

(a) All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting property owner on the Department's right of way must be performed in conformity with the *Manual on Uniform Traffic Control Devices* (incorporated by reference under Rule 14-15.010, F.A.C.), *Standard Specifications for Road and Bridge Construction*, (incorporated by reference and available at any Department Office or on the Department website at: <http://www.dot.state.fl.us/officeofdesign/> ~~under Rule 14-85.004, F.A.C.~~), and the *Roadway and Traffic Design Standards* (incorporated by reference and available at any Department Office or on the Department website at: <http://www.dot.state.fl.us/officeofdesign/> ~~under Rule 14-85.004, F.A.C.~~).

(b) If an agreement exists between the Department and a local governmental entity for the maintenance of an existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local governmental entity to maintain the proposed project in accordance with the approved maintenance plan, the agreement will be applied to the maintenance of the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.

(6) As-built plans, or a summary of changes are required for all landscape projects, and must be submitted to the District Office within 30 days of the project completion.

~~(7)~~(6) Donation of Landscape Projects. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this rule. The donated

landscape projects must substantially improve the appearance or manageability of the median or roadside. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this Rule Chapter or the agreement. An agreement must be on file with the Department for the area in question before placement of the sign. Signs acknowledging donated landscape projects by an individual or entity may be erected on the right of way, when the donation includes installation and maintenance pursuant to an executed agreement. Such signs will remain in place for a term of five years, unless otherwise specified in the agreement. The sign must not contain commercial logos or trademarks. Signs will be placed at each end of the landscape project.

(a) Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to the Adopt-a-Highway Program sign used by the Department, except that the word "landscaping" will be substituted for the words "litter control" and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department.

(b) Arterial Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in Figure 1 and fabricated with non-reflective materials. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or break away posts that meet or exceed the requirements of the *Roadway and Traffic Design Standards* (~~incorporated by reference under Rule 14-85.004, F.A.C.~~). The top of signs will be a maximum of no more than two feet above grade. Installation of signs is contingent upon an agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.

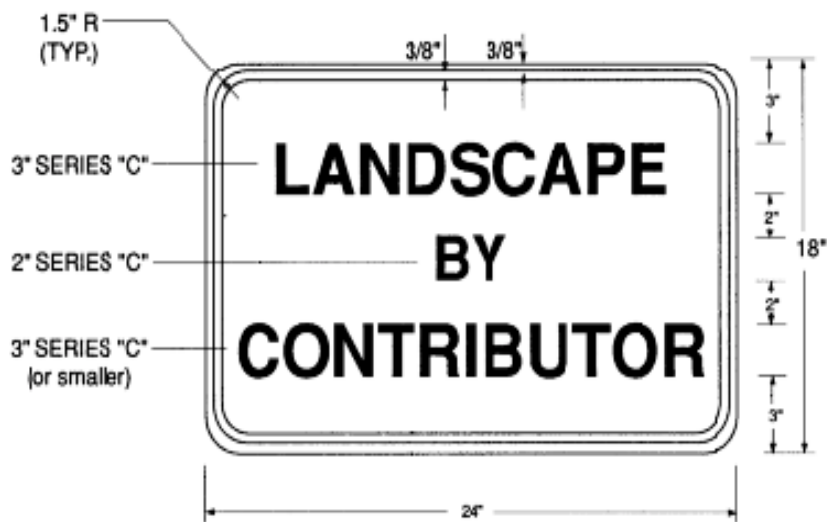


Figure 1 Arterial and Limited Access Landscape Roadway Sign

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(26)(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History—New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05, 2-8-06,_____.

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Application Process.

(1) Purpose. The Department may provide grant assistance for highway beautification projects in accordance with Section 339.2405, F.S., to a local governmental entity or a local highway beautification council.

(2)(4) Definitions.

(a) “Agreement” means the contract between the Applicant and the Department setting forth the terms of the grant.

(b) “Applicant” means a local governmental entity, as defined in Section 11.45(1)(d), F.S., or a local highway beautification council as established in accordance with Section 339.2405(9), F.S.

(c) “Council” means the Florida Highway Beautification Council.

(d)(e) “Department” means the Florida Department of Transportation.

(d) “FHBC” means the Florida Highway Beautification Council.

(e) “Grant” means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

(f) “Grant Application” means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department Office or on the Department web site at: www.dot.state.fl.us/emo.

(g) “Grant Coordinator” means the Department District employee responsible for the FHBC grant program.

(3)(2) Grant Application.

(a) ~~Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant application, applicants should meet and work with the Grant Coordinator on or about July 1, to give adequate time for review and revisions before the October 1, application deadline.~~

(b) ~~Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous agreements.~~

(a)(e) Applicants must submit ~~grant requests on a completed~~ grant application to the Grant Coordinator having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance

with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in section (e)(g) below.

(b) The grant application deadline is October 1 for the next fiscal year which begins on July 1. When preparing a grant application, applicants should meet and work with the Grant coordinator on beginning three months or more in advance of the deadline, to give adequate time for review and revisions. Any incomplete or late filed applications will not be accepted. Grant applications for highway beautification grants from the Council must be filed and processed in accordance with this rule chapter.

(c)(d) In order for the Council FHBC to consider a grant application for the following any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by October 1 ~~of the Department fiscal year~~. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the October 1 deadline.

(e) ~~In accordance with Section 215.01, F.S., the Department’s fiscal year begins on July 1 and ends on June 30.~~

(d)(f) Applicants may submit an unlimited number of grant applications, for any number of project sites. The Grant Coordinator will note on the application if the applicant previously received Council grants and if previous projects were maintained in accordance with the terms of prior agreements.

(e)(g) The applicant’s governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such resolution must be included with the application.

(f) Applicants are encouraged to submit grant applications for projects supported with equal (50 percent) matching funds or in kind contributions from other sources. Design fees up to 10 percent of the grant amount may be considered towards the applicant’s match.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03, 2-8-06,_____.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The Council shall meet semiannually, or more often if needed to consider all grant applications submitted by each Grant Coordinator.

~~(2)(+)~~ The Council FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The Council FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance and water conservation.
8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The Council FHBC will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.
2. Totaling all the attribute scores for a total application numerical score.

(c) Grant applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

~~(3)(2)~~ The Council FHBC will provide the Department Secretary with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 3-9-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03,_____.

14-40.023 Funding, Construction, and Maintenance of Beautification Projects.

(1) Award of Grants.

(a) The Secretary will award grants in the order they appear on the Council's prioritized list and in accordance with available funding. Each grant will be limited to a maximum of 10% of the total Department's beautification FHBC grants budget. ~~Applicants are encouraged to submit grant applications for projects supported with equal (50%) matching funds from other sources. Other match percentages will be considered.~~

(b) Official notice of each grant award will be made by the Department by certified mail to the applicant named in the grant application.

(c) To accept a grant, an applicant must send a letter of acceptance by certified mail to the Grant Coordinator within 15 days from the date of receipt of the offer of the award.

(d) Funds will be released by the Department when agreements are executed, the project is constructed as per plans approved by the Department (see Part I of this Rule Chapter), there is written final acceptance by the Department, and receipts for grant expenses are reviewed and approved by the Department.

(e) All funding of grants is contingent upon legislative appropriations.

(2) Execution of Agreements.

(a) Agreements associated with the grant must be executed within one year from date of the letter of acceptance, and meet the requirements of paragraph 14-40.003(3)(c), F.A.C. Failure to execute the required agreements will result in the grant award being withdrawn. Future grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two fiscal years.

(b) The agreement(s) between the applicant and the Department must state:

1. The intended use of the grant, as described in the grant application.
2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).
3. Any actions which the Department will take in the event of noncompliance by the applicant.
4. The methods to be used by the Department to determine compliance with the terms of the agreement.

(c) The individual(s) who sign the agreements on behalf of the grant applicant, or the grant applicant's designee, shall certify that the project is implemented as specified in the agreements, and shall provide a certification of completion before the final invoices are submitted for the project.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 3-20-03, Amended 8-10-03,_____.

PART III VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING SIGNS

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without Department approval of an Application to obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 08/07 07/97, (Application) which is incorporated herein by reference, pursuant to this Rule Chapter. For purposes of this rule, the use

application of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. ~~Department approval is. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, the Application for Vegetation Management at Outdoor Advertising Sign may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. This rule does not apply to requests to trim or remove vegetation that screens on-premise signs.~~

(b) ~~An Application for Vegetation Management at Outdoor Advertising Sign must be submitted by the outdoor advertising sign permit holder. A separate Application is required for each sign facing. The vegetation management plan and appraisal, described in paragraph (c), shall both be prepared by a qualified individual. Qualified individuals shall be one of the following: 1. a~~ An International Society of Arboriculture (ISA) Certified Arborist with Advanced Training in Roadside Vegetation, or an individual with equivalent credentials from a nationally recognized arboricultural organization, or ~~a 2. A landscape architect registered pursuant to Chapter 481, Part II, F.S.~~

(c) The ~~Application~~ shall contain:

1. The name, address, telephone number, facsimile number, and E-Mail address if available, of the applicant; the Department's current outdoor advertising sign tag number; the sign permit holder's sign face number; and the notarized signature of the applicant's authorized representative.

2. The applicant's vegetation management plan (plan)-~~The plan~~ shall be for a period of not less than two years and not greater than five years. The plan shall include a plan for removing vegetation within the view vegetation management zone, cutting (removing or altering more than one quarter of any plant's height, spread, or density of branches), or trimming (the shaping or pruning of less than one quarter of any plant's height, spread, or density of branches). The ~~vegetation management~~ plan shall be a graphic and written document that describes the removal, cutting, trimming, planting, fertilizing, mulching, irrigation, and desired condition and appearance of existing and proposed vegetation, including a plan for disposal of debris, and a schedule and description of the intended vegetation management method(s) ~~within the vegetation management zone~~. All vegetation management proposed in the plan shall be in accordance with this rule and Rule 14-40.003, F.A.C. A vegetation management plan will not be required for

applications submitted exclusively to establish the location of a view zone or to cut, trim, or remove vegetation that would be removed as part of the Department's routine maintenance.

3. Color photographs of the sign and entire view zone taken within six weeks prior to the application being made to the Department. The photographs and accompanying drawings must depict a clear representative overview of the vegetation to be removed, cut, or trimmed.

4. A photocopy of the qualifying credentials of the person preparing the vegetation management plan, and appraisal for mitigation, if mitigation is required. If herbicides will be used, the application must include a photocopy of the applicator's license in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services.

5. An itemized appraisal of the mitigation value of vegetation to be removed, cut, or trimmed, if mitigation is required.

6. A non-refundable application fee of \$25.00. The non-refundable ~~Application~~ fee shall be a total of \$200.00 for more than eight applications submitted simultaneously, providing that they are within the same Department District. If payment is by check, the fee submitted with an ~~Application for Vegetation Management at Outdoor Advertising Sign~~ must be paid separately from fees for other types of permits. ~~The approved application, including any conditions stated therein, and the approved vegetation management plan, shall become part of the permit. The permit, issued by the Department, shall allow vegetation management within the vegetation management zone for the duration of the approved vegetation management plan. After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to all permitted vegetation management activity on the Department's right of way, unless otherwise stipulated as a special provision of the permit.~~

(d) ~~An approved Application will serve as a permit, and Permit for Vegetation Management at Outdoor Advertising Sign~~ authorizes the permittee to remove, cut, or trim trees, shrubs, or herbaceous plants only as provided in the approved plan permit, and only within an approved view vegetation management zone, which will be determined as follows:

1. The approved view vegetation management zone shall meet the requirements of Subsection 479.107(6)(b), F.S. ~~be based on a continuous or cumulative 500 foot linear distance along the edge of the travel lane within the 1,000 foot linear view zone (as described below), all within the Department's right of way (see Figures 2 and 3).~~

2. A sign facing shall have only one view zone, and only within the Department's right of way of the roadway to which the sign is permitted.

a. The view zone for a right-view sign (see Figure 2) is a four sided nearly triangular area with the critical dimensions of 350 feet for posted speed limits of 35 miles per hour or less, or

~~500 feet for posted speed limits over 35 miles per hour measured along the right edge of the nearest travel lane on the same side of the highway to which the sign is permitted, which has:~~

~~(I) Terminus A, the point on the edge of the travel lane immediately opposite the edge of the outdoor advertising sign face closest to the highway;~~

~~(II) As terminus B, the point measured along the edge of pavement 1,000 feet in the direction from which the sign is viewed; and~~

~~(III) As a terminus C, the point on the edge of the sign face which is furthest from the road.~~

b. The view zone for a left-view sign (see Figure 3) is a four sided area with the critical dimension of 350 feet for posted speed limits of 35 miles per hour or less or 500 feet for posted speed limits over 35 miles per hour ~~is shall be measured as above, except that terminus A and terminus B shall be measured along the left edge of the nearest travel lane on the other side of the highway centerline.~~

[Editorial Note: New Figures 2 and 3 replace the existing Figures 2 and 3 in the Florida Administrative Code.]

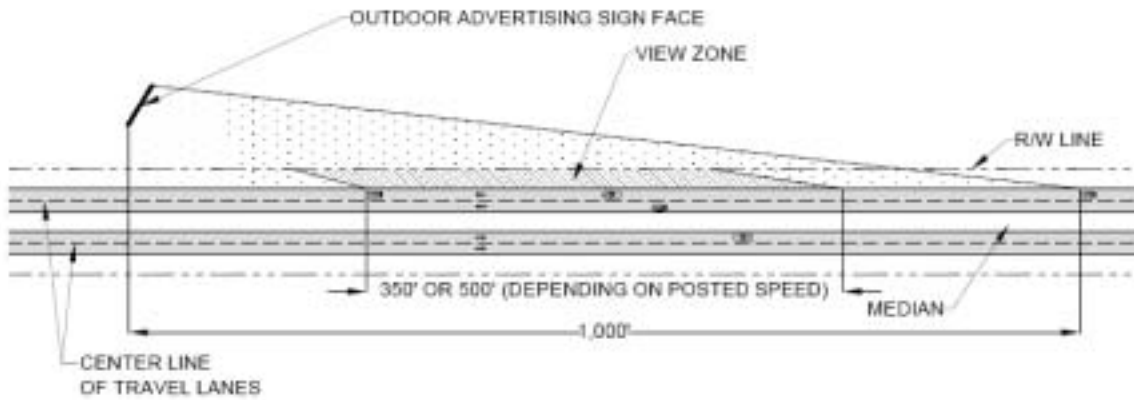


FIGURE 2
VIEW ZONE

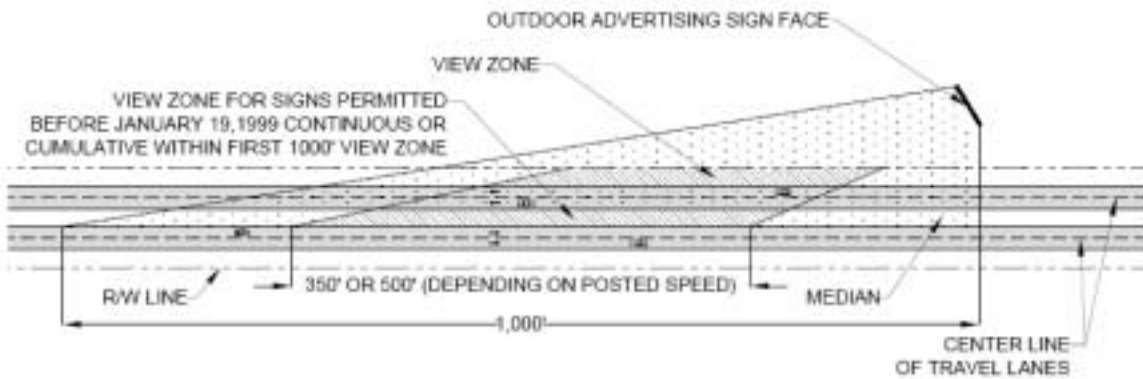


FIGURE 3
VIEW ZONE

c. ~~Areas within t~~The median area will be included in an approved for vegetation management zone only for left-read signs legally erected before January 19, 1999, and only as necessary to maintain the view of that sign across the median as it existed before January 19, 1999. ~~Vegetation within the pre-existing view zone that could not be managed prior to the adoption of this rule may be managed to restore visibility in accordance with this rule.~~

(e) ~~An Application will not be approved No Permit for Vegetation Management at Outdoor Advertising Sign will be issued:~~

1. For applications that are incomplete;
2. For vegetation control to enhance the view of an outdoor advertising sign which does not have a currently valid state permit.
3. For mowing (nonselective mechanical or chemical control of vegetation) of grass or other vegetation. Mechanical mowing, to a minimum height of 6 inches, will be permitted when no other means of vegetation management is practicable to control vegetation that screens or is likely to screen a sign face.
4. To make a sign visible for more than the distance allowed by Section 479.106(6), F.S. ~~500 feet within a view zone:~~
 5. To remove, cut, or trim, vegetation that has established historic, cultural, economic, environmental, or aesthetic significance. Such vegetation would:
 - a. Form an important part of the setting or landscaping for an historic structure;
 - b. Possess historic significance through a direct association with an event or person important in history;
 - c. Contribute strongly to the historic character as well as visual appeal of an historic structure or district;
 - d. Screen historic structures or residential property from traffic congestion;
 - e. Serve as memorials;
 - f. Be directly descended from historically significant trees or plants;
 - g. Be listed on the National Register of Historic Places, the State Register of Historic Sites, or local historical registries;
 - h. Be the only vegetation in the immediate vicinity, such that removal would leave the area barren of any substantial trees;
 - i. Have reached an age, size, or shape that it is known to be a local landmark; or
 - j. Be in the immediate vicinity of a roadway that has been lined with trees for a lengthy period of time where removal of such vegetation would significantly diminish the "tree lined" character of the roadway;
 6. To remove, cut, or trim, trees, shrubs, or herbaceous plants that are protected by state law.

~~7. To remove, cut, or trim trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), F.S.~~

~~7.8:~~ To remove, cut, or trim trees, shrubs, or herbaceous plants, when the Department has determined that the proposed vegetation management will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.

~~8.9:~~ To create a new view zone by removing, cutting, or trimming existing vegetation for any sign originally permitted after July 1, 1996, unless the applicant removes at least two approximate comparable size nonconforming signs under valid permits issued pursuant to Section 479.07, F.S., and surrender the permits to the Department.

~~9.10:~~ To remove, cut, or trim trees that have a circumference, measured at 42 feet above grade, equal to or greater than 70% of the circumference of the Florida Champion of the same species as listed in the Big Trees, The Florida Register, Florida Native Plant Society, 1997, which is incorporated herein by reference, and available at many public libraries in Florida, and at on-line bookstores.

~~10.11:~~ To remove, cut, or trim trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), F.S. This applies to vegetation that is part of a beautification project, when the project was approved prior to the permitting of any sign originally permitted after July 1, 1996. For the purpose of this rule, beautification projects include landscape projects, mitigation projects, and restoration projects. For the purpose of this rule, a beautification project is approved when it is specifically identified in the Department's five-year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

(f) Applications will be reviewed and approved or denied within 90 days of receipt of a completed application. The Department will notify the applicant of any apparent errors or omissions and request any additional information within 30 days of the receipt of an application. When an application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial.

(g) ~~An approved Application (permit) is Permit for Vegetation Management at Outdoor Advertising Sign is valid for the term of the proposed~~ vegetation management plan (two to five years); as represented in on the plan unless Application of Vegetation Management at Outdoor Advertising Sign and the permit.) ~~t~~The Department establishes a different will determine the expiration date on the of any p ~~Permit for Vegetation Management at Outdoor Advertising Sign,~~ based on the safety of all users of the Department's right of way, and the need to avoid conflict with other permitted activities on the Department's right of way, or changes in roadside conditions.

(h) After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to all permitted vegetation management activity on the Department's right of way, unless a different time period is listed as a special condition of the permit.

~~(i)(4)~~ Permit holders are responsible to track the expiration date of the permit. When a permit has expired for over 30 calendar days, changes are proposed, or previous permit conditions were not met, ~~for Vegetation Management at Outdoor Advertising Sign expires~~, a new permit may be requested by submitting a new complete Application ~~for Vegetation Management at Outdoor Advertising Sign~~ in accordance with this rule. When a permit is about to expire, or has expired within 30 calendar days of an application for a new permit at the same location, the conditions of the previous permit have been met, and there are no proposed changes to the previously approved vegetation plan; only the following will be required from the applicant:

1. Cover letter to the District Maintenance Engineer in the Department District Office where existing permit was secured. The cover letter must include a statement that the applicant will adhere to the conditions of the original permit and vegetation management plan.

2. Completed application.

3. Copy of the previous application that shows the District's approval.

4. Application fee.

~~(i)~~ A permit placard (FDOT Form 650-050-08) must be displayed within the vegetation management zone in clear view from the main traveled way when vegetation management is in progress.

(2) Vegetation Management on the Right of Way.

~~(a)~~ A copy of the entire approved Application and vegetation management plan must be on site and available for review by the Department when vegetation management is in progress.

~~(b)(4)~~ All work performed pursuant to a Permit for Vegetation Management at Outdoor Advertising Sign shall follow the approved vegetation management plan.

~~(c)(b)~~ Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

~~(d)(e)~~ Within 10 working days after completion of the removal, cutting, or trimming of vegetation, a qualified individual, as described in paragraph (1)(b) above, must inspect the ~~view vegetation management~~ zone and adjoining right of way, and submit written notification to the District Maintenance Engineer or designee that the work is complete. The correspondence must indicate the extent and nature of any unauthorized removal, cutting, or trimming.

(3) Mitigation. An applicant shall mitigate in accordance with this Rule Chapter for the impact to vegetation from removal, cutting, trimming, or accidental damage of vegetation on the Department's right of way.

(a) Mitigation is required:

1. Where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the following documents: American National Standards Institute Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1998, Publication #A300 (Part 2), and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, which are hereby incorporated by reference. Copies of these publications are available for purchase from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, phone (217)355-9411, Fax (217)355-9516, or on the Internet at www.flaisa.org. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter 62C-52, F.A.C., Aquatic Plant Importation, Transportation, Non-Nursery Cultivation, Possession, and Collection, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, F.A.C., Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse effect on the maintenance or safety of the Department's right of way).

2. Where trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or removed.

3. Where trees or shrubs of a species that are not likely to grow to interfere with the visibility of displays are damaged or removed.

4. Where trees or shrubs of a species that are likely to grow to interfere with the visibility of displays are trimmed improperly, permanently damaged, or removed.

5. Where herbaceous plants are permanently damaged.

(b) Where mitigation is necessary, the applicant will provide with the Application for Vegetation Management an appraisal prepared by a qualified individual as defined in paragraph (1)(b) using the appropriate appraisal method found in Determining the Mitigation Value of Roadside Vegetation, Florida Chapter of the International Society of Arboriculture, 2000, which is incorporated herein by reference. Copies of this document can be obtained by contacting the International Society of Arboriculture as listed in subparagraph (3)(a)1., above. Pending approval by the Department, the appraised

value of the vegetation to be cut and removed will be the required mitigation. Approval is based on completeness and accuracy of mitigation calculations.

1. The mitigation may be paid as a fee (Option 1) equal to the amount of the mitigation appraisal prepared in accordance with paragraph (b) of this rule. Mitigation fees must be paid to the Department prior to ~~approval of an Application issuance of a Permit for Vegetation Management at Outdoor Advertising Sign.~~

2. The permittee may design and build a mitigation project equal to the appraised value, at an approved location within the right of way (Option 2). Applicants must contact the District Landscape ~~Architect Manager~~ when preparing to develop a mitigation plan. For mitigation projects, the applicant must submit a mitigation plan which, in addition to the requirements of this rule, meets the requirements for landscape plans in Rule 14-40.003, F.A.C., to the Department for approval. Mitigation projects must be designed to avoid additional maintenance costs by the Department. The mitigation plan shall include a landscape plan, maintenance plan (including watering for establishment for a period of one year from the date of planting), and an estimated budget of all expenses to install, establish, and maintain the replacement vegetation. The value of the completed mitigation project must be equal to or greater than the appraised value of the cut and removed vegetation. When a mitigation project does not meet the required mitigation value, the balance is due to the Department as a mitigation fee. When the mitigation plan is approved, the applicant may proceed to construct the mitigation project. Failure to complete the mitigation project within six months after the vegetation is cut or removed will result in a penalty for unauthorized removal, cutting, or trimming as described in subsection (4) of this rule. The permittee is required, at the permittee's expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee, and determined by the Department, to be more likely to survive. If the mitigation project is not restored to meet the permit requirements, the permittee is subject to enforcement of required mitigation and the penalty for unauthorized removal, cutting, or trimming.

(c) Mitigation is not required when trimming maintains a plant's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards, cited in the documents previously referenced in subparagraph (3)(a)1. of this rule. Young trees (immature trees that are no taller than the surrounding shrubs and herbaceous plants) of species that upon their maturity are likely to interfere with the visibility of displays may be removed without mitigation. Invasive exotic plants may be removed without mitigation. Where the Department has determined that vegetation is diseased, or

structurally damaged through no fault of the applicant, beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

(d) Special Conditions Affecting Mitigation. The following additional provisions apply only to vegetation management pursuant to a permit issued under this rule:

1. Mitigation is not required for vegetation that the Department normally cuts or removes pursuant to its regular maintenance of the Department's right of way.

2. Mitigation is not required for vegetation when the Department's roadway plans explicitly show that the vegetation will be removed as part of the clearing and grubbing for a construction project designed and included in the Department's five-year work program.

3. Mitigation is not required for vegetation that was installed within the approved view zone after July 1, 1996, so long as the sign was permitted prior to the installation of the vegetation.

(4) Unauthorized Removal, Cutting, or Trimming of Vegetation. Any person engaged in unauthorized removal, cutting, or trimming of vegetation in violation of Section 479.106, F.S., or who benefits from such action, is subject to a penalty of \$1,000 per incident per sign facing and shall provide mitigation as required by subsection (3). For purposes of this subsection, the application of any chemical compound that kills or injures a tree, shrub, or herbaceous plant constitutes removal, cutting, or trimming.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(26)(25), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended 2-7-02, 2-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Caster, State Transportation Landscape Architect,
Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 21, 2008

**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

Southwest Florida Water Management District

RULE NO.: 40D-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt by reference two forms to be used by the District in the review of applications for water well construction permits. A form requesting additional information for permits to construct a public supply well will be adopted. An existing form used for wells to be constructed within the Most Impacted Area of the former Eastern Tampa Bay Water Use Caution Area is renamed to reference the Southern Water Use Caution Area. The effect of this rulemaking will be to incorporate these forms into District rules.

SUMMARY: The District proposes to adopt by reference two forms used in the water well construction permit application process. The proposed Public Supply Well Information and Classification Form is used to obtain additional information relating to the construction of public supply wells and public supply water use. The formerly titled “Well Verification for All Non-domestic Wells Located in the Most Impacted Area of the Eastern Tampa Bay Water Use Caution Area” form will now be titled as the “Well Verification for All Non-domestic Wells Located in the Most Impacted Area of the Southern Water Use Caution Area,” as the Eastern Tampa Bay Water Use Caution Area is now part of the Southern Water Use Caution Area. Minor wording changes are also made to the form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.044, 373.113, 373.149, 373.171, 373.337 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (6) No change.

(7) WELL VERIFICATION FOR ALL NON-DOMESTIC USE WELLS LOCATED IN THE MOST IMPACTED AREA OF THE ~~SOUTHERN EASTERN TAMPA BAY~~ WATER USE CAUTION AREA, FORM NO. LEG-R-016.00 () 42-10-005 (10/95)

(8) through (25) No change.

(26) PUBLIC SUPPLY WELL INFORMATION AND CLASSIFICATION FORM, FORM NO. LEG-R.015.00 ()

SURFACE WATER

(1) through (15) No change.

OTHER

(1) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-3.021	Definitions
40D-3.037	Rules and Publications Incorporated by Reference
40D-3.038	Violations of Contractor Licensing Requirements
40D-3.101	Content of Application
40D-3.301	Conditions for Issuance of Permits
40D-3.411	Well Completion Report
40D-3.531	Abandoned Well Plugging

PURPOSE AND EFFECT: The purpose of this rulemaking is to make minor corrections to District rules regulating the construction of water wells and to incorporate related amendments recently adopted by the Department of Environmental Protection for water well construction licensing. The effect of this rulemaking will be to make the District's well construction permitting rules more accurate and up to date.

SUMMARY: As part of the District's biennial review of existing rules and regulations for correctness and continued compliance with statutory requirements, the District is proposing amendments to several rules within Chapter 40D-3, F.A.C., pertaining to the regulation of water wells. Rule 40D-3.021, F.A.C., is amended to correct typographical errors; Rule 40D-3.037, F.A.C., is amended to reference updated DEP rules and the District's website; Rule 40D-3.038, F.A.C., is revised to conform the District's rule to the related DEP rule; Rule 40D-3.101, F.A.C., is amended to incorporate revisions made to other District rules cited therein; subsection 40D-3.301(3), F.A.C., is deleted as it is no longer required; and minor clarifying edits are made to Rules 40D-3.411 and 40D-3.531, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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, 373.309, 373.323(8), 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.106, 373.109, 373.206, 373.207, 373.209, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.323, 373.324, 373.333, 373.336 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 RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-3.021 Definitions.

When used in this Chapter:

(1) No change.

(2) "Annulus" or "annular space" means any artificially created void existing between a well casing or liner pipe and a borehole wall, or between two casings or between tubing and the casing or ~~for~~ liner pipe.

(3) through (34) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.323 FS. History—Readopted 10-5-74, Formerly 16J-3.02, Amended 7-1-90, 9-30-91, 12-31-92, _____.

40D-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (~~11-25-07~~) (~~7-17-03~~), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (~~1-17-05~~) (~~4-10-03~~), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) No change.

(3) Well Construction Forms are incorporated by reference into Rule 40D-1.659, F.A.C., and are available from the District upon request and from the District's website at www.watermatters.org.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, _____.

40D-3.038 Violations of Contractor Licensing Requirements.

(1) No change.

(2) A contractor is requested ~~required~~ to inform the District within 15 days of any change in the contractor's mailing address.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS. Law Implemented 373.323, 373.324, 373.333, 373.336 FS. History—New 7-1-90, Amended 12-31-92, 2-1-05, _____.

40D-3.101 Content of Application.

(1) Applications for permits required by this chapter shall be submitted to the District. All permit applicants shall submit the form entitled "State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well", adopted by reference in Rule subsection 40D-1.659(4), F.A.C. Except for replacement and domestic use wells, all applications to construct a well within the Most Impacted Area of the Southern Eastern Tampa Bay Water Use Caution Area, as set forth in subparagraph 40D-2.801(3)(b)2., and Figure 2.1, Section 7.2.8.A and Figure 7.2 2, of the Basis of Review for Water Use Permit Applications, adopted by reference in Rule 40D-2.091, F.A.C., shall include the form entitled "Well Verification For All Non-Domestic Use Wells Located in the

Most Impacted Area of the ~~Southern Eastern Tampa Bay~~ Water Use Caution Area”, adopted by reference in Rule subsection 40D-1.659(7), F.A.C.

(2) A permit applicant seeking to drill a public supply well shall submit:

(a) No change.

(b) A completed Southwest Florida Water Management District “Public Supply Well Information and Classification Form”, ~~adopted by reference in Rule 40D-1.659, F.A.C. form number 42.10-001, revised August 1992;~~ and

(c) Four sets of site plans signed, sealed and dated prepared by a licensed professional registered engineer. Applicants for permits on existing projects may submit pre-existing site plans or detailed legal plats.

(3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 373.316 FS. History–Readopted 10-5-74, Formerly 16J-3.07, Amended 7-1-90, 9-30-91, 12-31-92, 4-11-94, 10-19-95, 2-26-07,_____.

40D-3.301 Conditions for Issuance of Permits.

(1) through (2) No change.

~~(3) All non-government (privately) owned public supply applicants in Florida Public Service Commission (FPSC) jurisdictional counties, and applicants otherwise regulated by the FPSC, must submit with their application, either an FPSC certificate of authorization to provide water service, or an order of exemption from the FPSC.~~

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.109, 373.306, 373.308, 373.309, 373.313 FS. History–Readopted 10-5-74, Formerly 16J-3.11(1)-(3), Amended 1-8-87, 7-1-90, 12-31-92, 7-2-98,_____.

40D-3.411 Well Completion Report.

(1) Well completion reports are required for the construction, repair, modification or abandonment of all wells. The District’s receipt of a well completion report raises the rebuttable presumption that all work under the permit has been completed or has ceased.

(a) The water well contractor or any individual permittee shall submit to the District the form entitled “Well Completion Report”, adopted by reference in Rule subsection 40D-1.659(5), F.A.C., within 30 days of the expiration of the permit.

(b) No change.

(c) The District shall require a record of the well construction at any time prior to the submittal of the completion report if any drilling problems are encountered during well construction. The District may request a record either orally or in writing. The water well contractor or individual permittee shall provide the record within seven days of receipt of the District’s request.

(d) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.308, 373.309, 373.313 FS. History–Readopted 10-5-74, Amended 10-24-76, Formerly 16J-3.09, 16J-3.14, Amended 7-1-90, 9-30-91, 12-31-92, 10-19-95, 1-1-01, 2-26-07,_____.

40D-3.531 Abandoned Well Plugging.

(1) The form entitled “State of Florida Permit Application to Construct, Repair, Modify or Abandon a Well”, adopted by reference in Rule subsection 40D-1.659(4), F.A.C., shall be submitted to the District prior to the abandonment of any well, including an incomplete well.

(2) No change.

(3) All abandoned and incomplete wells shall be plugged by filling them from bottom to top with grout. The work shall be performed by a licensed water well contractor except for wells exempted under subsection 40D-3.051(1) and wells permitted to be constructed or abandoned pursuant to paragraph 40D-3.301(1)(a), F.A.C.

(a) through (b) No change.

(4) No change.

(5) The “Well Grouting/Abandonment Form”, adopted by reference in Rule subsection 40D-1.659(6), F.A.C., will be used to document the well abandonment.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.206, 373.207, 373.209, 373.306, 373.308, 373.309 FS. History–New 7-1-90, Amended 9-30-91, 12-31-92, 7-2-98, 9-26-02, 2-26-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.070

RULE TITLE: Durable Medical Equipment and Medical Supplies

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-4.070, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008. The revised handbook includes the policy and procedure code changes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA), revised policies

mandated by CS/HB 7083ER, and updated service requirements. The handbook also contains the policies for certain products that were transferred from the Medicaid Prescribed Drug Program to the Medicaid Durable Medical Equipment and Medical Supplies Program in 2005. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008.

SUMMARY: The rule amendment to Rule 59G-4.070, F.A.C., will incorporate by reference the revised Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912, 409.913 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: Monday, July 14, 2008, 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Medicaid Services Office, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-73069, gabricd@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.070 Durable Medical Equipment and Medical Supplies.

(1) No change.

(2) All durable medical equipment and medical supply providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and EPSDT 224, which is incorporated by reference in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-Florida.com ~~agent~~. Click on Provider Support, and then on Provider

Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

~~(3) Medicaid durable medical equipment and medical supply providers are required to use the following form, which is incorporated by reference: the Custom Wheelchair Evaluation form, AHCA-Med Serv Form, 015, July 2007, five pages. This form is available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-Florida.com. Click on Provider Support, and then on Forms. The form may also be photocopied from Appendix A in the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook. All DME providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, November 1996, which is incorporated by reference and available from the Medicaid fiscal agent.~~

~~(4) Durable Medical Equipment and Supplies. All DME/Medical Supply providers must comply with the provisions of the Florida Medicaid DME/Medical Supply Services Coverage and Limitations Handbook January 2000, which is incorporated by reference and available from the Medicaid fiscal agent.~~

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(~~7~~), 409.908, 409.912, 409.913 FS. History--New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.320
RULE TITLE: Therapy Services

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to incorporate by reference update July 2008 to the Florida Medicaid Therapy Services Coverage and Limitations Handbook. The handbook was updated to include the Prepaid Therapy Program, which was authorized by Section 409.912(42), F.S., and the General Appropriations Act for fiscal year 2005-2006. Certain eligibility categories of recipients under the age of 21 who are not enrolled in a managed care program, except for MediPass and the Children's Medical Services Network, will be enrolled in the Prepaid Therapy Program for the provision of their therapy services. Recipients who are otherwise excluded from managed care

will not be enrolled. The Agency for Health Care Administration, Division of Medicaid will contract with vendors to administer the provision of therapy services to Medicaid recipients who are enrolled in the Prepaid Therapy Program. The effect of the rule amendment to Rule 59G-4.320, F.A.C., will be to incorporate by reference in rule update July 2008 to the Florida Medicaid Therapy Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this proposed rule amendment is to incorporate by reference update July 2008 to the Florida Medicaid Therapy Services Coverage and Limitations Handbook. The effect of the rule amendment to Rule 59G-4.320, F.A.C., will be to incorporate by reference in rule update July 2008 to the Florida Medicaid Therapy Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.912 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: Monday, July 14, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spencer Moore, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7315, moores@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.320 Therapy Services.

(1) No change.

(2) All therapy providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Therapy Services Coverage and Limitations Handbook, October 2003, updated July 2008, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-Florida.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 4.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.912 FS. History–New 5-24-92, Amended 4-12-93, Formerly 10C-7.068, Amended 5-4-94, 12-26-95, 3-9-99, 12-2-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Spencer Moore

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.011 **RULE TITLE:** License Fees and Examination Fees

PURPOSE AND EFFECT: The Commission will no longer conduct license seminars or publish and sell those documents pertaining to the course syllabus.

SUMMARY: The Commission will no longer conduct license seminars or publish and sell those documents pertaining to the course syllabus.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 475.05 FS.

LAW IMPLEMENTED: 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) through (5) No change.

~~(6) The Commission may conduct seminars and publish and sell the following documents at cost, which may or may not vary with each class or printing:~~

~~Wall Certificate of License Course syllabus~~

~~(6)(7) The license fee for school related categories shall be as follows:~~

(a) Application for School Instructor \$20.00

(b) The biennial Permit Fees shall be:

School Permitholder	\$130.00
Additional Location for Permitholder	\$45.00
Chief Administrative Person	\$80.00
School Instructor	\$80.00
(7)(8) Entity, sponsor, organization and individual equivalent education course offering:	
For each application for approval of education offering	\$80.00
For each biennial education course offering renewal	\$80.00
(8)(9) The initial application for registration of a corporation, partnership, limited liability company or limited liability partnership is:	
Corporation, partnership, limited liability company or limited liability partnership	\$90.00
Branch office for a corporation, partnership, limited liability company or limited liability partnership	\$80.00
(9)(10) The biennial renewal of a corporation, partnership, limited liability company or limited liability partnership registration fee shall be:	
Corporation, partnership, limited liability company or limited liability partnership	\$90.00
Branch office for a corporation, partnership, limited liability company or limited liability partnership	\$80.00
(10)(11) The fee for request for a change of examination date, which must be in writing, shall be:	
(a) Requests received by the examination vendor 3 or more days prior to the scheduled date	no fee
(b) Requests received by the examination vendor less than 3 days prior to the scheduled date	\$45.00

Specific Authority 475.05 FS. Law Implemented 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS. History--New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03, 3-8-05, 12-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.014
RULE TITLE: Inactive Renewal

PURPOSE AND EFFECT: The proposed rule amendment will require the Commission to forward a licensee's renewal notification to his/her address of record.

SUMMARY: The proposed rule amendment will require the Commission to forward a licensee's renewal notification to his/her address of record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 120.53, 475.05, 475.183 FS.

LAW IMPLEMENTED: 120.53, 475.05, 475.183 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-1.014 Inactive Renewal.

(1) No change.

(2) A renewal notice will be sent to the licensee's ~~last known~~ address of record ~~the licensee~~. If a licensee does not elect to renew, the status automatically shall revert to involuntarily inactive.

(3) No change.

Specific Authority 120.53, 475.05, 475.183 FS. Law Implemented 475.183 FS. History--New 11-12-81, Formerly 21V-1.14, Amended 10-13-88, 6-28-93, Formerly 21V-1.014, Amended 10-25-98, 8-8-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027
 RULE TITLE: Character Inquiry into Individual Applicants

PURPOSE AND EFFECT: The rule amendment deletes language that is in the statute and modifies other language to improve its clarity.

SUMMARY: The rule amendment deletes language that is in the statute and modifies other language to improve its clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Character Inquiry into Individual Applicants Applications by Individuals.

An individual applicant ~~The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.~~

~~(1) The applicant must meet necessary personal qualifications as follows:~~

~~(a) Is 18 years of age or older.~~

~~(b) If the application is for broker:~~

~~1. Has been registered as an active sales associate for at least 12 months during the preceding 5 years under one or more brokers;~~

~~2. Has held a current and valid real estate sales associate's license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, F.S.; or~~

~~3. Has held a current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.~~

~~(c) Hold a high school diploma or its equivalent.~~

~~(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to the public investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant must fully is required to disclose and explain whether the applicant has ever:~~

~~(1) Entered a plea of nolo contendere (no contest), or guilty to, or been convicted of, any crime in any jurisdiction;~~

~~(a) If ever convicted of a crime, or if~~

~~(2) Had any judgment or decree has been rendered against the applicant for fraud or dishonesty dealings; or~~

~~(3) Been (b) If now a patient of a mental health facility or similar institution; for the treatment of mental disabilities; or~~

~~(4) Used or transacted (e) If ever called by, or done business in under any other name, or alias, than the name signed on his or her the application; with the Department sufficient information to enable the Commission to investigate the circumstances; or;~~

~~(d) If ever had a broker's or sales associate's license-~~

~~(3) Each application shall be accompanied by a completed FBI fingerprint card for processing; and~~

~~(4) All applicants for permits to instruct or be a permitholder for a real estate school must comply with Sections 475.451(2)(a) and (c), F.S.~~

~~(5) Had any application for occupational or professional licensure, in any jurisdiction, denied; and~~

~~(6) Had any occupational or professional license revoked, suspended, or otherwise acted against, in any jurisdiction or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.~~

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History-New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.029
 RULE TITLE: Examination Areas of Competency
 PURPOSE AND EFFECT: The proposed rule amendment deletes language that allows a successful applicant to practice in real estate if his/her employment information is on file.
 SUMMARY: The proposed rule amendment deletes language that allows a successful applicant to practice in real estate if his/her employment information is on file.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 475.05 FS.
 LAW IMPLEMENTED: 455.217(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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.029 Examination Areas of Competency.
 (4) The answers to the Broker, Sales Associate, and Instructor examination shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the licensure examination. The sales associate examination shall be based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics as contained in the Commission prescribed prerequisite education course syllabus for licensure as a real estate sales associate. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 45 points on principles and practices and 10 points on real estate mathematics. The broker and instructor examinations shall be based upon a knowledge, understanding and application of real estate law, real estate principles and practices including appraising, finance, investment and brokerage management and real estate mathematics. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 40 points on principles and practices and 15 points on real estate mathematics.

~~(2) A successful applicant may lawfully practice the services of real estate provided employment information is on file with the DBPR.~~

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History--New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended 1-18-00, 2-4-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates
 PURPOSE AND EFFECT: The proposed rule amendment deletes the exemption from reactivation education requirements for active members in good standing with the Florida Bar, and who are otherwise qualified under the real estate law.

SUMMARY: The proposed rule amendment deletes the exemption from reactivation education requirements for active members in good standing with the Florida Bar, and who are otherwise qualified under the real estate law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 475.05 FS.
 LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) through (6) No change.

~~(7) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History–New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, 3-15-04, 11-8-06, 12-25-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2008

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 NOS.:	RULE TITLES:
62-204.200	Definitions
62-204.400	Public Notice and Hearing Requirements for State Implementation Plan Revisions
62-204.800	Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-204, F.A.C., revise the definition of "PM10" to correct an erroneous reference to EPA rules; update the State Implementation Plan (SIP) processing rule to simply reference the provisions of 40 CFR Part 51, Subpart F; and add clarifying language to the adoption by reference of EPA emissions test method 23.

SUMMARY: The proposed rule amendments make corrective and clarifying changes to the department's general provisions for air pollution control and EPA test methods adopted by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-204.200 Definitions.

The following words and phrases when used in this chapter, unless content clearly indicates otherwise, have the following meanings:

(1) through (26) No change.

(27) "PM₁₀".

(a) No change.

(b) With respect to emissions, PM₁₀ means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the atmosphere as measured by an applicable reference method or by an equivalent or alternative method specified in 40 C.F.R. Part 51, Appendix M ~~60~~, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(28) through (30) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.8055 FS. History–New 11-30-94, Amended 3-13-96, 2-12-06,_____.

62-204.400 Public Notice and Hearing Requirements for State Implementation Plan Revisions.

(+) The Department shall comply with the public notice and hearing requirements of 40 CFR Part 51, Subpart F, adopted and incorporated by reference at Rule 62-204.800,

~~F.A.C., hold a public hearing prior to submission adoption of any proposed revision to the Florida State Implementation Plan (SIP) to the U.S. Environmental Protection Agency.~~

~~(a) In addition to the notice required by Section 120.54, F.S., for rulemaking, the Department shall publish notice of the hearing by prominent advertisement in a newspaper of general circulation in each air quality control region affected at least 30 days prior to the hearing. The notice shall specify the date, time, and place of the hearing and state that a copy of the proposed SIP revision is available for public inspection in each affected region.~~

~~(b) The Department shall also furnish a copy of the notice and proposed SIP revision to:~~

- ~~1. The Region IV office of the EPA;~~
- ~~2. Each local air pollution control agency in an affected region; and~~
- ~~3. In the case of an interstate air quality control region, each other state included in whole or in part in the region.~~

~~(2) A record of the public hearing, including a list of witnesses together with the text of each presentation, shall be made available by the Department to the Administrator upon his/her request.~~

~~(3) The Department shall include with each proposed SIP revision submitted to the EPA a certification that the hearing was held in accordance with the notice required by paragraph 62-204.400(1)(a), F.A.C.~~

~~Specific Authority 403.061, 403.8055 FS. Law Implemented 403.021, 403.031, 403.061, 403.8055 FS. History–New 11-30-94, Amended _____.~~

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 (7) No change.
- (8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.
- (a) through (d) No change.
- (e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

- 1. through 6. No change.
- 7. 40 C.F.R. ~~CFR~~ 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended September 7, 2007, at 72 FR 51365, except that in Method 23, the toluene rinse concentrate may be added to the acetone and methylene chloride concentrate, the filter, and the resin in the

Soxhlet apparatus specified at section 5.1.4 of the method prior to analysis, in lieu of separate analysis of the toluene rinse extract pursuant to section 5.1.6 of the method.

- 8. through 12. No change
- (9) through (26) No change.

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, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.350	Public Notice and Comment
62-210.900	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-210, F.A.C., correct errors in the definitions of “PM10,” “Major Modification” and “Net Emissions Increase”; clarify the definitions of “Best Available Control Technology,” “Permit Revision,” “Regulated Air Pollutant” and “Volatile Organic Compounds”; and add a definition of “Nitrogen Oxides” in Rule 62-210.200, F.A.C. The amendments also clarify language in the printing operation exemption and general permit to include “inks” and “fountain solutions” in material usage, and to provide that “all VOC-containing” material must be accounted for. The amendments correct a typographical error in Rule 62-210.300, F.A.C., and an erroneous cross-reference in Rule 62-210.350, F.A.C., and revise the Transfer of Air Permit Form to allow out-of-state notarization.

SUMMARY: The proposed rule amendments make clarifying and corrective changes to the department’s general requirements for stationary sources of air pollutant emissions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814, 403.815 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director’s Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (39) No change.

(40) “Best Available Control Technology” or “BACT” –

(a) An emission limitation, including a visible emissions standard, based on the maximum degree of reduction of each pollutant emitted which the Department, on a case by case basis, determines is achievable through application of production processes and available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant, taking into account:

1. Energy, environmental and economic impacts, and other costs;

2. All scientific, engineering, and technical material and other information available to the Department; and

3. The emission limiting standards or BACT determinations of Florida and any other state; ~~determines is achievable through application of production processes and~~

~~available methods, systems and techniques (including fuel cleaning or treatment or innovative fuel combustion techniques) for control of each such pollutant.~~

(b) through (d) No change.

(41) through (191) No change.

(192) “Major Modification”

(a) No change.

(b) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(c) through (d) No change.

(193) through (209) No change.

(210) “Net Emissions Increase”

(a) through (b) No change.

(c) An increase or decrease in actual emissions is creditable only if the Department has not relied on it in issuing a permit for the source pursuant to Rule 62-212.400, F.A.C. or Rule 62-212.500, F.A.C., which permit is in effect when the increase in actual emissions from the particular change occurs.

(d) through (h) No change.

(211) through (216) No change.

(217) “Nitrogen Oxides” – All oxides of nitrogen, except nitrous oxide, as measured by test methods set forth in 40 C.F.R. Part 60, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and expressed as nitrogen dioxide.

(217) through (235) renumbered (218) through (236) No change.

(237)(236) “Permit Revision” or “Permit Modification” – Any alteration to a permit term or condition except ~~an~~ ~~the~~ ~~Administrative~~ ~~Permit~~ ~~Correction~~ ~~or~~ ~~amendment~~ described at Rule 62-210.360, F.A.C.

(237) through (239) renumbered (238) through (240) No change.

(241)(240) “PM₁₀” –

(a) No change.

(b) With respect to emissions, PM₁₀ means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the atmosphere as measured by an applicable reference method or by an equivalent or alternative method specified in 40 C.F.R. Part 51, Subpart M 60, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(241) through (259) renumbered (242) through (260) No change.

(261)(260) “Regulated Air Pollutant” –

(a) Nitrogen oxides or ~~any~~ volatile organic compounds;

(b) Any pollutant regulated under 42 U.S.C. s. 7411 – Standards of Performance for New Stationary Sources, or 42 U.S.C. s. 7412 – Hazardous Air Pollutants; or

(c) Any pollutant for which a national primary ambient air quality standard has been specified at 40 C.F.R. Part 50, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(261) through (330) renumbered (262) through (331) No change.

~~(332)(334)~~ “Volatile Organic Compounds (VOC)” – Any one or more A volatile organic compounds as defined at 40 C.F.R. 51.100, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(332) through (335) renumbered (333) through (336) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08,_____.

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at subsection 62-210.300(4), F.A.C. All emission ~~emissions~~ limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) through (3) No change.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to

Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through ~~37, 36-~~, F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. through 36. No change.

37. Printing operations, provided:

a. The facility is not subject to any unit-specific applicable requirement;

b. The facility shall use less than 667 gallons of materials containing any hazardous air pollutants in any consecutive twelve (12) months; and

c. The facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 20,000 pounds of any single or any combination of VOC-containing materials, ~~combined, such as~~ of inks, cleaning solvents, fountain solutions and fountain solution additives in any consecutive twelve (12) months;

(II) Operate only non-heatset offset lithographic printing lines and use less than 2,850 gallons of any single or any combination of VOC-containing materials, ~~combined, such as~~ of inks, cleaning solvents, fountain solutions and fountain solution additives in any consecutive twelve (12) months;

(III) Operate only digital printing lines and use less than 2,425 gallons of any single or any combination of VOC-containing materials, ~~combined, such as~~ of solvent based inks, and clean-up solutions, ~~and other solvent containing materials~~ in any consecutive twelve (12) months;

(IV) Operate only screen or letterpress printing lines and use less than 2,850 gallons of any single or any combination of VOC-containing materials, ~~such as combined, of solvent based inks, and clean-up solutions, ~~and other solvent containing materials~~~~ in any consecutive twelve (12) months;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 80,000 pounds of any single or any combination of VOC-containing materials, ~~combined, such as~~ of water-based inks, coatings, and adhesives in any consecutive twelve (12) months; or

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 20,000 pounds of any single or any combination of VOC-containing materials ~~such as, ~~combined,~~ of inks, dilution solvents, coatings, cleaning solutions, and adhesives~~ in any consecutive twelve (12) months.

(b) through (c) No change.

(4) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, 3-16-08,_____.

62-210.310 Air General Permits.

(1) through (3) No change.

(a) through (e) No change.

(f) Air General Permit for Facilities Comprising Printing Operations.

1. through 2.a. No change.

b. The facility shall use less than 1,333 gallons of materials containing any hazardous air pollutants and not exceed the following material usage limitations in any consecutive twelve (12) months. The owner or operator shall keep records of material usage for each calendar month and each consecutive twelve (12) months to demonstrate compliance with such limitations. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years. Specifically, the facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 100,000 pounds of any single or any combination of VOC-containing materials such as inks, cleaning solvents, fountain solution and fountain solution additives ~~combined~~;

(II) Operate only non-heatset offset lithographic printing lines and use less than 14,250 gallons of any single or any combination of VOC-containing materials such as cleaning solvents, fountain solutions and fountain solution additives ~~combined~~;

(III) Operate only digital printing lines and use less than 12,100 gallons of any single or any combination of VOC-containing materials such as solvent-based inks, and clean-up solutions and other solvent-containing materials ~~combined~~;

(IV) Operate only screen or letterpress printing lines and use less than 14,250 gallons of any single or any combination of VOC-containing materials such as solvent-based inks, and clean-up solutions and other solvent-containing materials ~~combined~~;

(V) Operate only water-based or ultraviolet-cured material flexographic or rotogravure printing lines and use less than 400,000 pounds of any single or any combination of VOC-containing materials such as water-based inks, coatings and adhesives, combined;

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 100,000 pounds of any single or any combination of VOC-containing materials such as inks, dilution solvents, coatings, cleaning solutions and adhesives, combined; or

(VII) Operate any combination of heatset lithographic, non-heatset lithographic, digital, screen or letterpress, rotogravure or flexographic printing lines and use no more than the most stringent of the material usage limitations contained in sub-sub-paragraphs 62-210.310(4)(f)2.b.(I) through (VI), F.A.C., for the type of printing lines at the facility. For purposes of determining which limit is the most stringent, the pounds of materials used for heatset offset lithographic lines

and flexographic lines shall be converted to the equivalent gallons by dividing by 8.5 pounds per gallon and shall be compared with the limits for non-heatset offset lithographic, digital, screen and letterpress lines, as applicable, for the type of printing lines at the facility. The most stringent limit shall apply to the total of all VOC ~~solvent~~-containing material used.

c. No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended 5-9-07, _____.

62-210.350 Public Notice and Comment.

(1) through (4) No change.

(5) Additional Public Notice Requirements for Emissions Units Subject to the Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act section 112(g).

(a) Before taking final agency action on any air construction permit application for a proposed new or reconstructed facility or emissions unit subject to the preconstruction review requirements of subparagraph 62-204.800(11)(4)(d)2., F.A.C., the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include at a minimum the following:

1. through 3. No change.

(b) through (f) No change.

(6) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.815 FS. History—Formerly 17-2.220, Amended 11-28-93, Formerly 17-210.350, Amended 11-23-94, 1-2-96, 11-13-97, 2-11-99, 2-2-06, _____.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Resources Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) through (6) No change.

(7) Application for Transfer of Air Permit – Title V and Non-Title V Source (DEP Form No. 62-210.900(7), Effective _____ 4-16-01).

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087, 403.815 FS. History—New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06, 3-16-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)
62-212.720	Actuals Plantwide Applicability Limits (PALs)

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-212, F.A.C., correct an erroneous cross reference in Rule 62-212.300, F.A.C.; remove an unused reference to 40 CFR 52.21(q) in Rule 62-212.400, F.A.C.; and remove a reference to a non-existent definition in Rule 62-212.720, F.A.C.

SUMMARY: The proposed rule amendments make corrective changes to the department's rule for preconstruction review of stationary sources of air pollutant emissions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-212.300 General Preconstruction Review Requirements.

This rule shall apply to the proposed construction or modification of all emissions units and facilities for which an air construction permit is required pursuant to subsection 62-210.300(1), F.A.C.

(1) No change.

(2) Applicability. The requirements of subparagraph ~~62-204.800(11)(d)2~~, ~~62-212.300(11)(d)2~~, and Rules 62-212.400, 62-212.500, and 62-212.600, F.A.C., shall apply in addition to any other preconstruction review requirements under Rule ~~62-212.300~~ ~~62-204.300~~, F.A.C.

(3) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--Formerly 17-2.520, 17-212.300, Amended 11-23-94, 1-1-96, 10-28-97, 2-2-06,_____.

62-212.400 Prevention of Significant Deterioration (PSD).

The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.

(1) through (10) No change.

(11) Public Participation. No permit shall be issued until the applicant and Department have complied with all applicable public notice and participation provisions of ~~40 C.F.R. 52.21(q)~~, adopted by reference at Rule ~~62-204.800~~, and Rules 62-210.350 and 62-110.106, F.A.C. ~~In complying with the requirements of 40 C.F.R. 52.21(q), the Department shall follow the procedures of Rules 62-210.350 and 62-110.106, F.A.C., in lieu of the procedures of 40 C.F.R. Part 124.~~

(12) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98, 8-15-99, 2-2-06, 7-16-07,_____.

62-212.720 Actuals Plantwide Applicability Limits (PALs).

(1) PAL Permits. Any existing facility intending to use any Plantwide Applicability Limit (PAL), ~~as defined at Rule 62-210.200, F.A.C.~~, shall first obtain a PAL permit issued in accordance with the requirements of this section. For purposes of this rule an existing facility shall mean a facility that contains one or more existing emissions units, as defined at

Rule 62-210.200, F.A.C. PAL permits shall be based on "actuals PAL" emissions as that term is described at 40 CFR 52.21(aa)(2), adopted by reference in Rule 62-204.800, F.A.C. PAL permits shall be considered construction permits for purposes of Rule Chapters 62-4, 62-210, 62-212, 62-213 and 62-110, F.A.C., but PAL permits shall not authorize any physical change that constitutes a modification under Rule 62-210.200 F.A.C., or any modification or reconstruction under 40 C.F.R. Part 60, 61 or 63, adopted by reference at Rule 62-204.800, F.A.C., to any existing emissions unit, or any addition of any new emissions unit to the facility with the PAL permit. The Department shall authorize such modification or addition through separate normal construction permit processes. If the addition or modification will likely cause an increase in emissions above that authorized in the PAL permit, the Department shall authorize such an increase only through the PAL permit revision requirements of this rule, but the applicant may submit a single application for the construction permit and for any necessary PAL permit revision and, if practicable, the Department shall require a single public notice for both permitting actions. Each PAL shall be pollutant-specific but a single PAL permit may include multiple PALs. All PAL permit applications shall include information regarding all emissions which the facility has the potential to emit, including startup, shut down and malfunction emissions, for each pollutant for which a PAL is sought, and all PAL permits shall include in the limitation(s) all PAL pollutant emissions which the facility has the potential to emit, including emissions from startup, shut down and malfunctions. Fugitive emissions shall be included in the application and in the PAL to the extent quantifiable.

(2) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 2-2-06, Amended 7-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-213.900 Forms and Instructions

PURPOSE AND EFFECT: The proposed rule amendment revises DEP Form No. 62-213.900(1), to clarify that the form must be postmarked by March 1 every year.

SUMMARY: The proposed rule amendment makes a clarifying change to the department's Title V air permitting program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.0872 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.900 Forms and Instructions.

The forms used by the Department in the Title V source operation program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air ~~Resource Resources~~ Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Major Air Pollution Source Annual Emissions Fee Form (~~DEP Form No. 62-213.900(1)~~, Effective _____ ~~1-3-04~~).

(2) through (9) No change.

Specific Authority 403.061 FS. Law Implemented 403.0872, 403.814 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
62-256.300 Prohibitions
62-256.700 Open Burning Allowed

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-256, F.A.C., involve changing the terms "polyethylene black plastic mulch" and "polyethylene plastic mulch" to the term "polyethylene agricultural plastic" to be consistent with Section 403.707, F.S.

SUMMARY: The proposed rule amendments make corrections to the department's open burning rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62-256.300 Prohibitions.
- (1) No change.
- (2) Prohibition on the Open Burning of Certain Materials.

- (a) No change.
- (b) Notwithstanding the provisions of paragraph 62-256.300(2)(a), F.A.C., certain otherwise prohibited materials may be burned for the training of firefighters in accordance with subsection 62-256.700(4), F.A.C.; waste pesticide containers may be burned in accordance with subsection 62-256.700(5), F.A.C.; animal carcasses may be burned in accordance with subsection 62-256.700(6), F.A.C.; and polyethylene agricultural ~~black~~ plastic ~~mulch~~, untreated wood pallets, and packing material used in agriculture may be burned in accordance with subsection 62-256.700(7), F.A.C.
- (c) No change.
- (3) through (4) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History--New 7-1-71, Amended 1-11-82, 10-10-82, 7-30-85, 10-20-86, 8-26-87, Formerly 7-5.03, Transferred From 17-5.030, Formerly 17-256.300, Amended 11-30-94, 7-6-05,_____.

- 62-256.700 Open Burning Allowed.
- (1) through (6) No change.
- (7) Open Burning Related to Agricultural Operations.

(a) Open burning of the following materials used in agricultural operations related to the growing, harvesting or maintenance of crops is allowed provided such burning is conducted in accordance with the provisions of Section 403.707(2)(e), F.S.

- 1. Polyethylene agricultural plastic ~~mulch~~;
- 2. through 3. No change.
- (b) No change.
- (8) through (10) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.707 FS. History--New 7-1-71, Amended 1-11-82, 10-10-82, 7-30-85, 10-20-86, 8-26-87, 11-23-88; Formerly 17-5.09, Previously numbered as 17-5.090, Formerly 17-256.700, Amended 11-30-94, 7-6-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
62-257.301 Notification Procedure and Fee
62-257.900 Form

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-257, F.A.C., includes correction of an erroneous statutory reference. The amendments also revise DEP Form No. 62-257.900(1) to include information required to be listed on the notification pursuant to 40 CFR Part 61, Subpart M.

SUMMARY: The proposed rule amendments make corrective and clarifying changes to the department's asbestos notification and fee program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 376.60, 403.061 FS.

LAW IMPLEMENTED: 376.60, 403.061 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Searce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-257.301 Notification Procedure and Fee.

(1) No change.

(2) If a notice is required per subsection 62-257.301(1), F.A.C., the timely submittal of a completed "Notice of Demolition or Asbestos Renovation or Demolition" form, as promulgated under Rule 62-257.900(1), F.A.C., or an electronically generated facsimile thereof, is required.

(3) through (5) No change.

(6) Except in the following situations, the owner or operator of an asbestos removal project shall pay a fee calculated pursuant to Rule 62-257.400, F.A.C., Fee Schedule.

(a) The Department's fee requirements are not applicable ~~to when the asbestos removal project is in a schools, colleges, universities university, or to a residential dwelling;~~ as ~~residential dwelling is defined in Rule 62-257.200, F.A.C.~~

(b) The Department's fee requirements are not applicable to those persons otherwise exempted from licensure under Section ~~469.002(4) 469.004(7), F.S.~~

(c) through (d) No change.

Specific Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History--New 3-31-94, Formerly 17-257.301, Amended 3-24-96, 2-9-99,_____.

62-257.900 Form.

The form ~~with and~~ instructions used by the Department in the asbestos air regulatory program ~~is are~~ adopted and incorporated herein by reference. Copies of the form and instructions may be obtained by writing to the State Asbestos Coordinator, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form is also available on the internet at www.dep.state.fl.us/air or at the Department's District Offices or at Local Air Program offices.

(1) "Notice of Demolition or Asbestos Renovation or Demolition", DEP Form Number 62-257.900(1), effective _____ ~~2-9-99~~.

Specific Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History--New 3-31-94, Formerly 17-257.900, Amended 11-23-94, 2-9-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-296.100	Purpose and Scope
62-296.320	General Pollutant Emission Limiting Standards
62-296.470	Implementation of Federal Clean Air Interstate Rule
62-296.508	Petroleum Liquid Storage

PURPOSE AND EFFECT: The proposed rule amendments to Chapter 62-296, F.A.C., clarify that stationary sources of air pollutant emissions must comply with any applicable EPA regulations at 40 CFR 60, 61, 63, and 65 that have been adopted by reference; revise language for consistency with open burning rule language in Chapter 62-256, F.A.C.; correct

the process weight table equation to clearly show exponents; revise language in Rule 62-296.470, F.A.C., to clarify how state and federal definitions are used in the rule; and revise the rule for internal floating roof petroleum liquid storage tanks to remove an erroneous test method reference.

SUMMARY: The proposed rule amendments make corrective and clarifying changes to air emission standards for stationary sources.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 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, July 22, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.100 Purpose and Scope.

(1) The Department of Environmental Protection adopts this chapter to establish emission limiting standards and compliance requirements for stationary sources of air pollutant emissions pollution.

(2) The chapter includes emission limitations for specific categories of facilities and emissions units, and it establishes reasonably available control technology requirements. Where work practice standards, including requirements for specific types of pollution control equipment, are provided for in this chapter, such standards shall be of the same force and effect as emission limiting standards. The emission limiting and work

practice standards of Rule 62-296.320, F.A.C., and Rules 62-296.401 through ~~62-296.480~~ 62-296.417, F.A.C., are applicable statewide. The reasonably available control technology requirements are established for specific areas of the state as set forth in Rules 62-296.500, 62-296.600, and 62-296.700, F.A.C.

~~(3) A facility or emissions unit subject to any standard or requirement of 40 C.F.R. Part 60, 61, 63 or 65, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall comply with such standard or requirement. Nothing in this chapter shall relieve a facility or emissions unit from complying with such standard or requirement, provided, however, that where a facility or emissions unit is subject to a standard established in this chapter, such standard shall also apply. Standards and requirements for any "new" facility or emissions unit shall be the federal standards of performance for new stationary sources adopted by reference at Rule 62-204.800(7), F.A.C., unless a different and more stringent standard is established in Rules 62-296.401 through 62-296.417, F.A.C. In addition, reasonably available control technology requirements are established for specific areas of the state as set forth in Rules 62-296.500, .600, and .700, F.A.C.~~

(4) Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at Rule 62-210.200, F.A.C.

Specific Authority 403.061 FS. Law Implemented ~~403.024~~, 403.031, 403.061, 403.087 FS. History—New 11-23-94, Amended 3-13-96,_____.

62-296.320 General Pollutant Emission Limiting Standards.

(1) through (2) No change.

(3) ~~Permitted Industrial, Commercial, and Municipal~~ Open Burning ~~Prohibited~~. Open burning in connection with industrial, commercial, institutional, or governmental municipal operations is allowed only as provided at Chapter 62-256, F.A.C. or prohibited, except when:

(a) Open burning is determined by the Department to be the only available method of disposal ~~feasible method of operation~~ and is authorized by an air permit issued pursuant to Chapter 62-210 or 62-213, F.A.C.; and or

(b) Such open burning does not involve any material prohibited from being burned at Rule 62-256.300, F.A.C. An emergency exists which requires immediate action to protect human health and safety; or

(c) ~~A county or municipality would use a portable air curtain incinerator to burn yard trash generated by a hurricane, tornado, fire or other disaster and the air curtain incinerator would otherwise be operated in accordance with the permitting exemption criteria of Rule 62-210.300(3), F.A.C.~~

(4) General Particulate Emission Limiting Standards. The following emission limiting standards shall apply to emissions units of particulate matter not subject to a particulate emission limit or opacity limit set forth in or established elsewhere in this chapter.

(a) Process Weight Table.

1. No change.

2. Particulate Matter Emissions Standard – No person shall cause, let, permit, suffer or allow the emission of particulate matter through a stack or vent, from any emissions unit subject to this rule in total quantities in excess of the amount shown in Table 296.320-1. Interpolation of the data in Table 296.320-1 for the process weight rates up to 30 tons per hour shall be accomplished by use of the equation: $E = 3.59P^{0.62}$ ~~0.62~~, where P is less than or equal to 30 tons per hour. Interpolation and extrapolation of the data for process weight rates in excess of 30 tons per hour shall be accomplished by use of the equation: $E = 17.31P^{0.16}$ ~~0.16~~, where P is greater than 30 tons per hour. In both equations: E = emissions in pounds per hour and P = process weight rate in tons per hour.

Table 296.320-1 No change.

3. No change.

(b) through (c) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.620, 17-296.320, Amended 1-1-96, Amended 3-13-96, _____.

62-296.470 Implementation of Federal Clean Air Interstate Rule.

(1) Definitions and Provisions Adopted by Reference.

(a) All provisions of 40 C.F.R. Part 96 cited within this rule are adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(b) For purposes of subsection 62-296.470(2), F.A.C. ~~this rule~~, the terms “CAIR,” “CAIR NO_x allowance,” “~~CAIR NO_x Annual Trading Program~~,” “CAIR NO_x Ozone Season allowance,” “~~CAIR NO_x Ozone Season Trading Program~~,” “CAIR NO_x Ozone Season unit,” “CAIR NO_x unit,” “~~CAIR SO₂ allowance~~,” “~~CAIR SO₂ Trading Program~~,” and “CAIR source,” ~~and~~ “CAIR unit,” shall have the meanings given at Rule 62-210.200, F.A.C. ~~All provisions of 40 C.F.R. Part 96 cited within this rule are adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(c) ~~Notwithstanding the first sentence of this paragraph,~~ For purposes of the verbatim application of the cited subparts of 40 C.F.R. Part 96, as modified by the substitute language set forth in this rule, the definitions contained within 40 C.F.R. Part 96, Subparts AA, AAA, and AAAA, shall apply, with the understanding that, where context dictates, the term “permitting authority” shall mean the Department, the term

“State” shall mean the State of Florida, and the phrase “permitting authority’s title V operating permits regulations” shall mean Chapter 62-213, F.A.C. When used in the 40 C.F.R. Part 96 substitute language set forth in this rule, and the terms “best available control technology (BACT)” and “biomass” shall have the meanings given at Rule 62-210.200, F.A.C.

(2) Orders.

(a) Prior to submitting any CAIR NO_x allowance allocations to the Administrator pursuant to 40 C.F.R. 96.141(a), (b), or (c), or 40 C.F.R. 96.143, the Department shall issue an administrative order pursuant to Chapter 120, F.S., to all CAIR NO_x sources giving notice and opportunity for hearing with regard to the amount of CAIR NO_x allowances the Department intends to submit to the Administrator for each CAIR NO_x unit.

(b) Prior to submitting any CAIR NO_x Ozone Season allowance allocations to the Administrator pursuant to 40 C.F.R. 96.341(a), (b), or (c), the Department shall issue an administrative order to all CAIR NO_x sources giving notice and opportunity for hearing with regard to the amount of CAIR NO_x Ozone Season allowances the Department intends to submit to the Administrator for each CAIR NO_x Ozone Season unit.

(3) through (5) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 9-4-06, Amended 4-1-07, _____.

62-296.508 Petroleum Liquid Storage.

(1) through (2) No change.

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this rule shall comply with the following requirements.

(a) Internal Floating Roof and Roof Seals. The test method for volatile organic compounds shall be ~~EPA Method 21 and p. 6-2 of EPA 450/2-77-036~~, incorporated and adopted by reference in Chapter 62-297, F.A.C.

(b) through (c) No change.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.650(1)(f)8., 17-296.508, Amended 11-23-94, 1-1-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.001	Scope
63G-1.002	Definitions
63G-1.003	Determining Residence
63G-1.004	Calculating Estimated Costs
63G-1.005	Fiscally Constrained Counties
63G-1.006	Receipt of Payment
63G-1.007	Quarterly Reporting
63G-1.008	Monthly/Annual Reconciliation and Dispute Resolution
63G-1.009	Billing

PURPOSE AND EFFECT: The amendments are intended to clarify the process by which the costs of detention care are shared by state and county government. Specifically, the rule clarifies the distinction between pre- and post-disposition so that post-disposition will only include days in secure detention following disposition during which a child is awaiting residential placement. The amendments also modify the reporting and reconciliation provisions so that monthly reporting and reconciliation will take place. A per diem rate for detention care will be derived according to a specified formula, and the rate will be used to make monthly adjustments in actual utilization. Dates for reporting and reconciliation are adjusted, and definitions are amended to reflect these changes.

SUMMARY: The amendments clarify the distinction between pre- and post-disposition, modify the estimation, reporting and reconciliation process, and make corresponding changes to definitions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 985.686(10) FS.

LAW IMPLEMENTED: 985.686 FS.

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

DATE AND TIME: Friday, July 11, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, General Counsel’s Conference Room 3223, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63G-1.001 Scope.

This rule establishes the process by which the cost of pre-disposition detention care is costs are shared by state and county government.

Specific Authority ~~985.686(10)~~ ~~985.2155(10)~~ FS. Law Implemented 985.686 ~~985.2155(+)~~ FS. History–New 7-16-06, Amended _____.

63G-1.002 Definitions.

(1) “Cost of detention care” means the cost of providing detention care as determined by the General Appropriations Act, including appropriations listed in Contingency and Supplemental bills.

(2) “~~County e~~Estimated cost per day of detention care” means a projected cost estimate based upon the most recently reconciled previous fiscal year utilization data and the upcoming General Appropriations Act a county’s prior annual usage.

(3) “~~Final court disposition~~” means the date the court enters a disposition for the subject referral.

(3)(4) “Fiscally constrained county” means a county with a rural area of critical economic concern as designated by the Governor pursuant to Section 288.0656, F.S., or each county for which the value of a mil will raise no more than \$5 million in revenue, based on the school taxable value certified pursuant to Section 1011.62(4)(a)1.a., F.S., from the previous July, as defined in Section 985.2155, F.S., which is not required to pay the full costs of its resident juveniles’ predisposition detention care.

(4) “Juvenile Probation Officer” (JPO) means an employee of the department responsible for the intake of youth upon arrest and the supervision of youth on court ordered supervision in the community.

(5) “Juvenile Justice Information System” (JJIS) means the department’s electronic information system used to gather and store information on youth having contact with the department.

(6) “Post-disposition days” means those days after court ordered commitment where the youth is awaiting residential placement.

(7) “Pre-disposition days” means all days in secure detention that do not qualify as post-disposition.

(8)(5) “Residence” means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer pursuant to Rule 63G-1.003, F.A.C., and entered in the Juvenile Justice Information System.

(9)(6) “Secure detention” means a physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement or ordered into secure detention by the execution of a court order.

(10) “Service day” means any day or part of a day spent by a youth in secure detention.

(11) "Utilization" means a summary of service days.

Specific Authority 985.686(10) ~~985.2155(10)~~ FS. Law Implemented 985.686 ~~985.2155~~ FS. History–New 7-16-06, Amended _____.

63G-1.003 Determining Residence.

(1) DJJ Juvenile Probation Officers and contracted providers responsible for intake shall utilize the following procedure to determine a referred child's county of residence:

(a) The address provided by the child at intake will initially be checked against the address included in the arrest affidavit police report and against any existing address for the child already in the Juvenile Justice Information System.

(b) In all cases, an effort will be made to verify the address with the child's parent or guardian.

(c) All attempts to contact the parent or guardian, and the results of those attempts, will be noted in the chronological record in the child's case file.

(2) County of residence for cChildren in substitute care placements, such as foster care, will be the home county for the youth. Address information recorded in the Juvenile Justice Information System will be that of deemed to reside in the county where the Department of Children and Family Services or its contracted agency has a district office or service center for confidentiality purposes that arranged the temporary placement.

(3) Address verification procedures are to be included in the annual refresher training on the Juvenile Justice Information System given to ~~d~~Departmental Juvenile Probation Officers and its contracted providers responsible for intake.

Specific Authority 985.686(10) ~~985.2155(10)~~ FS. Law Implemented 985.686(5) ~~985.2155(5)~~ FS. History–New 7-16-06, Amended _____.

63G-1.004 Calculating Estimated Costs.

(1) ~~Each county's share of predisposition detention costs is based upon usage during the previous fiscal year, with the first year's estimates based upon usage during fiscal year 2004-05. Estimates will be calculated as follows:~~

(a) All youth served in secure detention during the relevant fiscal year as reflected in the Juvenile Justice Information System will be identified;

(b) Each secure detention placement record ~~will be matched to the appropriate referral in JJIS based upon the referral identification code.~~ Placements associated with administrative handling, such as pick-up orders and violations of probation, will be matched to a disposition date for their corresponding statutory charge;

(c) Placements associated with administrative handling, such as pick-up orders and violations of probation, that cannot be matched to a disposition date for a corresponding statutory

charge will be presented as a "court order" and no disposition date will be available or listed unless the youth is awaiting placement in a residential facility;

~~(d)(e) The total number of service days in secure detention is computed by including all days up to and including the date of admission and the date of release from the detention center final disposition for the subject referral.~~

(2) The total number of service days for each county, including out of state youth and youth with unknown residences, from the most recently reconciled previous fiscal year utilization data will be divided into the total service days for all counties for that same time period, to arrive at each county's percentage of the total. That percentage will be multiplied by the total estimated annual budget for the cost of detention care for the upcoming fiscal year to determine each county's share of the total budget. The resulting estimated annual amount for each county will be billed to the county in equal monthly installments. Each county will receive a percentage computed by dividing the number of days used during the previous year by the total number of days used by all counties. The resulting percentage, when multiplied by the cost of detention care as fixed by the legislature, constitutes the county's estimated annual cost.

(3) In addition, an estimated cost per day for the upcoming fiscal year will be calculated. That cost per day is calculated by taking the total service days for all counties, including out of state youth and youth with unknown residences, from the most recently reconciled previous fiscal year utilization data and dividing into the total estimated annual budget for the cost of detention care for the upcoming fiscal year. The estimated cost per day will be used when adjusting the counties' invoices for actual utilization each month of the upcoming fiscal year. The estimated cost will be billed to the counties in monthly installments.

(4) Invoices are to be mailed at the beginning on the first day of the second month after prior to the service period, so that an invoice for the July August service period will be mailed in September on July 1.

Specific Authority 985.686(10) ~~985.2155(10)~~ FS. Law Implemented 985.686(3) ~~985.2155(3)~~ FS. History–New 7-16-06, Amended _____.

63G-1.005 Fiscally Constrained Counties.

(1) Each fiscally constrained county's estimated costs are determined in the same manner as those for non-fiscally constrained counties will be assigned a percentage computed by dividing its previous year's number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) ~~Each county's percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their estimated prorated monthly costs even though they will not be expected to remit payment share.~~

(3) ~~Prior to the beginning of each fiscal year the department will calculate an estimated annual cost for each fiscally constrained county. The estimate will be based on the cost per day amount calculated in subsection 63G-1.004(2), F.A.C., and the fiscally constrained counties' prior year reconciled utilization information. The total estimated costs for all fiscally constrained counties will be compared to the General Appropriations Act amount allotted to the department for fiscally constrained counties. If the total estimated annual cost for utilization exceeds the appropriated amount. If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year's usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:~~

(a) ~~Each fiscally constrained county's utilization will be compared to the total for all fiscally constrained counties to determine a percentage of the total. The total number of service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.~~

(b) ~~The county's percentage will be multiplied by the shortfall amount computed in subsection (3) above to determine the individual county's amount due. Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).~~

(4) The department shall determine whether an estimated shortfall is likely by July 31. If a shortfall is expected, the department shall provide fiscally constrained counties information on an estimate of their share of the expected shortfall on or before August 15.

(5) Fiscally constrained counties will be billed for their share of the shortfall in equal monthly installments beginning November 1 through May 1.

(6) If after the annual reconciliation is complete it is found that there was in fact no shortfall or that the shortfall was overestimated, the fiscally constrained counties will receive a refund. If the shortfall was underestimated, the department may seek matching funds from the counties to make up the difference.

Specific Authority ~~985.686(10) 985.2155(10)~~ FS. Law Implemented ~~985.696(4) 985.2155(4)~~ FS. History–New 7-16-06, Amended 3-19-07,_____.

63G-1.006 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the third month after the monthly service period, such that the July service period payment is due October 1.

(2) Payment will be deemed in arrears on the second day of the monthly service period the payment was due.

Specific Authority ~~985.686(10) 985.2155(10)~~ FS. Law Implemented ~~985.686(5)-(6) 985.2155(5)-(6)~~ FS. History–New 7-16-06, Amended_____.

63G-1.007 Quarterly Reporting.

(1) ~~Each month quarter, the dDepartment shall generate prepare a web based on-line utilization report that provides to determine the extent of each county's actual usage for the previous service month. The report is to be used by the assist counties to validate utilization in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.~~

(2) The report shall contain the following information:

(a) Youth's name;

(b) Youth's address at the time of the referral;

(c) Sex;

(d) Date of birth;

(e) Name of parent or guardian, if available;

(f) Phone contact, ~~and~~;

(g) Non-law violation flag; Number of detention days.

(h) Disposition date, if available; and

(i) Number of detention days.

(3) The report will be available provided to counties electronically for the first day of each month for the previous month's utilization 45 days after the end of each quarter.

(4) The limited release of juvenile identifying information contained in each county's ~~quarterly~~ report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority ~~985.686(10) 985.2155(10)~~ FS. Law Implemented ~~985.686(7) 985.2155(7)~~ FS. History–New 7-16-06, Amended_____.

63G-1.008 Monthly/Annual Reconciliation and Dispute Resolution.

(1) ~~On the first day of each month or before January 31 of each year, the dDepartment shall make available to each county provide a utilization report described in Rule 63G-1.007, F.A.C., reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.~~

(2) The county shall have from the 1st to the 14th of the month to review the on-line utilization information reported for the previous month. If the county takes issue with any of the utilization data, it shall mark the record for dispute on-line and provide a reason for the dispute. Disputes involving a detained youth's county of residence or disposition must include one or more of the following indicia of specificity: If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before April 1.

- (a) Address invalid – not in county;
- (b) Address invalid – street number not valid;
- (c) Address invalid – not residence of youth;
- (d) Address invalid – see text (must enter text);
- (e) Detention stay invalid – post-disposition;
- (f) Detention stay invalid – see text (must enter text).

(3) The department will have from the 15th to the 24th of each month to review all disputes for the previous month filed by the county. The department's response, provided on-line, constitutes final agency action and may be challenged through the process available in Chapter 120, F.S. Any dispute not resolved by the department within the above specified timeframe will be removed from the county's billing until a final resolution can be determined. The department will make every effort to resolve any one month's outstanding disputes within 60 days after the end of the initial reconciliation period. As pending disputes are resolved by the department, they will be included in the subsequent month's invoice. Any pending disputes not resolved by the department within 60 days will be considered the responsibility of the state and will not be billed to the county. If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the April billing, which is mailed on March 1, and will carry forward as necessary.

(4) At the end of any month, on records listed in a county's monthly report for which there is no disposition to commitment date indicated, all service days for that month will be considered pre-dispositional. At such time that a commitment disposition date is entered, the department will credit the county for any days charged as pre-dispositional that should have been categorized as post-dispositional and therefore the obligation of the department. As these records are updated, the credit will be included on the subsequent month's invoice.

(5) In October of each year, the department will perform a final reconciliation of actual detention costs for the prior fiscal year. At that time an actual cost per day will be calculated using final department expenditure information. The actual cost per day will be used to assess each county's actual cost based on the actual utilization for that prior fiscal year.

(6) In November of each year, the department will provide each county a final reconciliation statement for the previous fiscal year. The statement shall reflect the difference between the costs paid by the counties based on the estimated cost per day amount and the actual cost per day amount reconciled in subsection (5) above.

(7) If the total amount paid by a county falls short of the actual costs associated with their utilization, the county will be invoiced for that additional cost. The amount due will be applied to the county's account. An invoice will accompany the reconciliation statement, and shall be payable on or before January 1. If the amount paid by a county exceeds the actual costs associated with their utilization, the county will receive a credit. The credit will be applied to the county's account and be included on the invoice sent in November.

Specific Authority 985.686(10) 985.2155(10) FS. Law Implemented 985.686(5) 985.2155(5) FS. History–New 7-16-06, Amended 3-19-07, _____.

63G-1.009 Billing Dispute Resolution and Collection.

(1) By the end of each month the department will generate invoices for counties based on the reconciliation performed that month for the prior month's services. Invoices for fiscally constrained counties will be clearly marked "do not pay." Fiscally constrained counties are only responsible for payment when conditions as described in Rule 63G-1.005, F.A.C., exist. Invoices for fiscally constrained counties resulting from anticipated funding shortfall will be billed separately. The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Invoices will include the following information:

- (a) Invoice date;
- (b) Invoice number;
- (c) Remittance address;
- (d) Payment due date;
- (e) Billing service period;
- (f) Total amount billed; and

(g) Department contact information. Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days of receipt of the quarterly report to which the dispute pertains.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

- (a) An alternative address asserted to be correct;
- (b) Supporting documentation, and;
- (c) An explanation of the basis for the dispute on form 63G-11.

~~(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.~~

~~(5) Form 63G-1-1 (May 2006), "Notice of Disputed Detention Charge," is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.~~

~~(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, F.S.~~

Specific Authority ~~985.686(10)~~ ~~985.2155(10)~~ FS. Law Implemented ~~985.686(6)-(7)~~ ~~985.2155(5)-(8)~~ FS. History-New 7-16-06, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Chris Craig, DJJ Bureau of Finance and Accounting
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Davis, DJJ Director of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NOS.:	RULE TITLES:
64B33-2.001	Licensure Requirements
64B33-2.003	Requirements for Continuing Education

PURPOSE AND EFFECT: The proposed rule amendments are intended to address approved entities for certification in resuscitation and the level of training required.

SUMMARY: The proposed rule amendments set forth additional approved entities for certification in resuscitation and the level of training provided.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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 RULES IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the Department. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) Each applicant for licensure shall meet the following requirements:

(a) through (b) No change.

(c) The applicant shall submit proof of current certification in cardiovascular pulmonary resuscitation at the professional rescue level from the American Heart Association, the American Red Cross, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent.

(2) No change.

Specific Authority 456.013(7), (9), 468.705, 468.707 FS. Law Implemented 456.013(7), 468.707 FS. History-New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, 5-9-02, 3-6-07,_____.

64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, Part XIII, Florida Statutes, shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The continuing education requirement includes current certification in cardiovascular pulmonary resuscitation at the professional rescue level from the American Red Cross, the American Heart Association, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) through (6) No change.

Specific Authority 456.013, 468.705, 468.711(2), (3) FS. Law Implemented 468.711(2) FS. History-New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00, 3-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-3.001 RULE TITLE: Fees
PURPOSE AND EFFECT: The proposed rule amendment is intended to implement a fee for a retired status license.
SUMMARY: The proposed rule amendment implements a fee for retired status in the amount of \$50.00.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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, 468.705, 468.707, 468.711 FS.
LAW IMPLEMENTED: 456.013, 468.707, 468.711 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: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-3.001 Fees.

The following fees are prescribed for athletic trainers:

- (1) through (9) No change.
- (10) The retired status fee shall be \$50.00.

Specific Authority 456.025, 468.705, 468.709 FS. Law Implemented 456.025, 456.036, 468.709 FS. History—New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended 8-22-00, 9-19-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Athletic Training
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-7.006 RULE TITLE: Grants: Eligibility, Application and Award (Non-Low Income)

PURPOSE AND EFFECT: Section 215.5586, F.S., created the MySafeFlorida Home (MSFH) Program. This program provides grants to certain homeowners for hurricane damage mitigation work to their homes. This rule establishes procedures for application and award of grants to non-low income grant applicants in the MSFH program; sets forth Department interpretation of certain grant eligibility criteria that are specified only in general by Section 215.5586 F.S.; and sets forth the Department’s interpretation as to the intended effect of changes made by the Legislature to Section 215.5586, F.S., in its 2007 regular session, concerning homeowners previously issued grants or previously advised by the Department that they were eligible for a grant. Both low income and non-low income persons may receive grants, but low-income applicants are subject to different requirements. This rule applies only to non low-income applicants. Subsection (6) of 215.5586, F.S., provides rulemaking authority to adopt rules to implement Section 215.5586, F.S., and carry out the duties of the Department pursuant to the Section 215.5586, F.S.

SUMMARY: Non-low income MySafeFlorida Home grant applicants submit applications through the website at mysafefloridahome.com or by calling 1(866)513-6734. The applicants are required to provide information necessary to determine statutory eligibility for a grant. After a grant is authorized and the work is performed and verified, payment is made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 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: Wednesday, July 16, 2008, 9:30 a.m.
PLACE: 142 Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Ellen Simon, (850)413-4270 or Ellen.Simon@myfloridacfo.com. 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: Ellen Simon, Chief Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.006 Grants: Eligibility, Application and Award (Non-Low Income).

(1) Applicability. This rule applies to grants to homeowners under Section 215.5586(2), Florida Statutes, except that this rule does not apply to grants to low-income persons under Section 215.5586(2)(g), Florida Statutes, or to grants by or through non-profit entities or local governments under Section 215.5586(2)(d), Florida Statutes.

(2) Definitions. For the purposes of this rule and implementation of Section 215.5586(2), Florida Statutes, the following definitions apply:

(a) “Completed Inspection” refers to an inspection wherein an inspector has performed a visual examination of a Florida home, and has submitted an inspection report to the Department.

(b) “Department” standing alone refers to the Department of Financial Services.

(c) “Grant” refers to a grant under Section 215.5586(2), Florida Statutes.

(d) “Home” refers to the residence on which the retrofit improvement work would be performed.

(e) “Matching grant” is, for purposes of Section 215.5586(2), Florida Statutes, a grant under which the homeowner will be reimbursed for half of the actual costs to make the improvement, up to \$5,000 for any and all improvements. This is contrasted with a low-income homeowner grant recipient who is not required to match the pay 50% of the actual cost up to \$5,000, and will be reimbursed the actual cost to make the improvement(s), up to \$5,000 for improvements.

(f) Opening Protection.

1. “Standard” opening protection refers to metal panels that are manually installed when a storm approaches, and are removed and stored when the storm has past.

2. “Permanently attached” opening protection refers to accordion shutters, roll-down shutters, and other opening protection devices that are permanently attached to the building

and are deployed across the opening when a storm approaches, and retracted back to their permanent attachment point when the storm has past.

3. “Permanently deployed” opening protection refers to windows and doors that are pressure and impact rated for hurricane conditions and that are installed in accordance with current Florida Building Code requirements for new construction.

(g) “Program” and “MSFH Program” and “My Safe Florida Home Program” refer to the program created under the authority of Section 215.5586, Florida Statutes.

(h) “Site-built” means a home built at its permanent and final location. This is contrasted with manufactured housing, including mobile homes and modular homes of which all or entire major sections of the home are built off-site, and the sections are assembled on site, which are not eligible for a grant pursuant to Section 215.5586, Florida Statutes.

(i) “The year in which the home was built” means the year in which application for the building permit for initial construction was made with the applicable building department.

(j) “You” or “your” refers to a homeowner applying for or awarded a grant under Section 215.5586, Florida Statutes.

(3) Eligibility for Grants.

(a) “Acceptable hurricane mitigation inspection.”

An “acceptable hurricane mitigation inspection” as required by Section 215.5586(2)(a)3., Florida Statutes, is:

1. An inspection by a Wind Certification Entity under Section 215.5586(1), Florida Statutes, concerning which the homeowner has received a report of inspection from the Department;

2. An inspection conducted by a non-profit entity or a local government entity pursuant to agreement between the Department and that non-profit entity or a local government entity, or

3. An inspection conducted by a third party who has a contract with the Department under Section 215.5586(10), Florida Statutes, to conduct inspections for the Department.

(b) “Wind-borne debris region.”

1. Section 215.5586(2)(a)4., Florida Statutes (2007), limits grants to “Wind-borne debris region as that term is defined in Section 1609.2, International Building Code (2006).” The preceding phrase, as implemented by the Department under Section 215.5586(2)(a)4., Florida Statutes, is the geographic area determined by the Florida Building Commission to be the State of Florida’s Wind-Borne Debris Region, depicted in figure 1609 and figure R301.2(4) of the Florida Building Code (2007 Supplement). Figure 1609 and figure R302.2(4) of the Florida Building Code (2007 supplement) are hereby adopted and incorporated by reference into this rule. The Florida Building Code, including the cited figures, is available online at the website of the Florida Building Commission, at http://www2.iccsafe.org/states/2004_florida_codes.

2. Consistent with paragraph (b)1. above, the entire area of the following counties is within the wind-borne debris region: Broward, Escambia, Franklin, Gulf, Martin, Miami-Dade, Monroe, Pinellas, St. Lucie, and Sarasota.

3. Consistent with paragraph (b)1. above, no part of the following counties is within the wind-borne debris region: Alachua, Baker, Bradford, Calhoun, Clay, Columbia, Gadsden, Gilchrist, Glades, Hamilton, Hardee, Highlands, Holmes, Jackson, Lafayette, Lake, Leon, Madison, Marion, Okeechobee, Osceola, Polk, Putnam, Seminole, Sumter, Suwannee, and Union.

4. Consistent with paragraph (b)1. above, part but not all of the following counties is within the wind-borne debris region: Bay, Brevard, Charlotte, Citrus, Collier, DeSoto, Dixie, Duval, Flagler, Hendry, Hernando, Hillsborough, Indian River, Jefferson, Lee, Levy, Liberty, Manatee, Nassau, Okaloosa, Orange, Palm Beach, Pasco, Santa Rosa, St. Johns, Taylor, Volusia, Wakulla, Walton, and Washington. The extent of the wind-borne debris region within these counties is determined by the county building official, and the Department's determination as to whether a particular home in these counties is within the wind-borne debris region is based upon information provided to the Department by the county building official's office.

(c) "Insured value" requirement.

1. The "insured value" criteria specified at Section 215.5586(2)(a)2., Florida Statutes, refers to the insured value of the dwelling structure under a homeowner's property insurance policy, at Section 1, Coverage A – Dwelling, of the policy.

2. To be eligible for a grant under Section 215.5586(2), Florida Statutes, there must be homeowner's insurance coverage in force on the Home at the time of grant application; it is not necessary that the homeowner's insurance that is in force include hurricane wind coverage.

3. Insured value under a flood insurance policy issued under the national flood insurance program is not acceptable as proof of compliance with the insured value requirement under Section 215.5586(2)(a)2., Florida Statutes.

(d) Multi-family structures excluded. Only residences that are detached, single family, site built dwellings are eligible for grants. Residences within a multi-family structure are not eligible for grants. Residences within a multi-family structure are those that to any degree share a wall or roof with any other residence. Examples of residences within multi-family structures that are not eligible for a grant include, but are not limited to, townhouses or patio homes, or residences within a duplex or a triplex.

(e) Homestead exemption requirement. To be eligible for a grant, the home must have been actually granted a homestead exemption that is in effect as of the date of grant application. It is not sufficient that an application for homestead exemption has been filed or that the home qualifies for a homestead

exemption and will be issued a homestead exemption for the following tax year. The homestead exemption offered to show compliance with Section 215.5586(2)(a)1., Florida Statutes, must show the grant applicant as property owner.

(f) "Owner-occupied."

The phrase "owner-occupied" as used in Section 215.5586(2), Florida Statutes, requires that the owner of the home must actually be residing in the home at time of the application for grant, in order to be eligible for a grant.

(4) Application for Grant.

(a) How to apply.

1. Homeowners shall apply for a grant by supplying the required information to the Department through the Department's My Safe Florida Home online system, located at <http://www.mysafefloridahome.com/>. Once at that webpage, select "For Homeowners," then select "Matching Grants;" or the homeowner can click on "I want to apply for a grant"

2. Homeowners who cannot apply online may call the Department at (866)513-6734, and the Department staff will take the required information by phone and enter it into the Department's computer system for the homeowner.

(b) Information required to be provided by homeowner in an application for a grant.

(c) The following information must be supplied to the Department by a grant applicant:

1. Wind inspection report number for the home, as appearing on the upper left corner of the inspection report issued to the homeowner by the Department under Section 215.5586(1)(a)1., Florida Statutes. This number is also referred to as the "application number."

2. The applicant's last name and zip code. Applications will not be accepted unless this information entered by the applicant matches the data in the Department's records relating to the inspection report issued to the homeowner by the Department under Section 215.5586(1)(a)1., Florida Statutes.

3. Information to confirm the Department's online system:

a. When the Department's online system matches the application number, last name, and zip code, the Department's online system will display the following information concerning the home, as such information exists in the Department's records as a result of the previous inspection of the home under Section 215.5586(1), Florida Statutes, and the applicant will be required to indicate whether the information displayed is correct according to the applicant's records and recollection:

(I) The address of the Home.

(II) Whether the Home is in a wind-borne debris region.

(III) The mitigation improvements recommended in the MSFH inspection report issued to the homeowner.

(IV) The year the home was built.

b. If applicant indicates that any displayed information is not correct, the online system will instruct the applicant to call the My Safe Florida Home program staff at its toll free phone number, as published on the My Safe Florida Home website, and the online application session will terminate. Upon contacting My Safe Florida Home staff, that staff will assist the applicant to determine the reason for the discrepancy. When the discrepancy is resolved, the applicant can commence a new online grant application.

4. If the building permit for initial construction was applied for in 2002, the applicant will be required to provide the Department with evidence that the building permit was applied for before March 1, 2002, as required by Section 215.5586(2)(a)5., Florida Statutes. Satisfactory evidence shall include: a copy of records of the building department showing the permit application date; a written, signed statement from the building department stating the permit application date; or a written, signed statement of the contractor who applied for the permit, stating the date of application.

5. Whether the applicant is applying as a low income homeowner. If the applicant indicates that they are applying as a low income homeowner, additional information is required, as specified by a different rule of the Department.

6. The applicant must indicate whether their home is a site-built, detached single family dwelling. If the applicant indicates that the home is not a site-built, detached single family dwelling, the online system will advise them that they are not eligible for a grant, and that they should contact the My Safe Florida Home staff if they believe an error has been made or otherwise have questions regarding the matter; the online application session will then terminate.

7. The applicant must provide the homestead exemption number for the home, as assigned by the county property appraiser for the county where the home is located. Applicant must provide the insured value of the home.

8. The applicant must indicate assent to the following statement: "I, the applicant, under penalty of perjury, do hereby state that this application is the only application for grant I have submitted. Additionally, I understand that pursuant to Section 837.06, Florida Statutes, knowingly making a false statement in writing with the intent to mislead a public servant in the performance of their official duty is a crime punishable as provided in Section 775.082 or 775.083, Florida Statutes."

(d) Documentary materials required to be submitted by applicant for a grant.

1. As more fully specified below, every applicant for a grant subject to this rule shall submit to the Department documentary evidence of homestead exemption and insured value, in applying for a grant.

a. The required documentary evidence shall be submitted by mail or as electronic attachments to the application for grant. The electronic attachments shall be in one of the following formats: jpg, gif, tif, doc, or pdf. The Department's

online system will prompt the applicant to indicate whether they will submit by mail, or by electronic attachment. Where the applicant selects electronic attachment, the Department's system will provide a field into which the electronic document may be copied by the applicant.

b. Documentary materials must be fully legible. Documentary materials showing indication of alternation or forgery will be rejected with notice to the applicant by the Department.

2. Proof of homestead exemption. The following items will be accepted by the Department as documentary proof of current homestead exemption:

a. A copy of the annual application for renewal of homestead exemption provided to the homeowner by the county property appraiser's office, issued within the 24 months preceding the date on which grant application is made, showing the address and homestead exemption number of the home which is the subject of the grant application, and naming the grant applicant as property owner;

b. A copy of a receipt showing renewal of homestead exemption, issued by the county property appraiser's office within the 24 months preceding the date on which grant application is made, showing the address and homestead exemption number of the home which is the subject of the grant application, and naming the grant applicant as property owner; or

c. Other document issued by the county property appraiser's office, or available and printed from the county property appraiser's online website, if any, establishing that the home currently has a homestead exemption.

3. Proof of insurance coverage. Applicant shall submit a copy of the declarations page of the homeowner property insurance policy covering the property at the time of the grant application, as issued by the insurer, showing the coverage period, the named insured, the address of the insured property, and the limit of liability for the coverage under Section 1, Coverage A – Dwelling.

4. Proof of permit date. If the building permit for initial construction was applied for in 2002, the applicant will be required to provide the Department with evidence that the building permit was applied for before March 1, 2002, as required by Section 215.5586(2)(a)5., Florida Statutes. Satisfactory evidence shall include: a copy of records of the building department showing the permit application date; a written, signed statement from the building department stating the permit application date; or a written, signed statement of the contractor who applied for the permit, stating the date of application.

(5) Processing of Grant Applications.

(a) Grant applications that are determined by the Department to be incomplete or irregular shall be held in abeyance by the Department. Notice will be provided to the applicant as set forth in this rule. A grant application is

incomplete if it lacks any information required by the application, or if the Department has not received all documentation regarding homestead exemption and insured value, as required by this rule. A grant application is considered by the Department to be irregular if it contains information that is internally inconsistent or which is inconsistent with other information known or received by the Department, is apparently duplicative of another application on the same residence or by the same homeowner, contains nonsensical or illogical information, or if the Department has reason to believe that the application may be fraudulent.

(b) Within 45 days of receiving the application, the Department will notify the grant applicant concerning the status of the grant application. Grant applicants are responsible for ensuring that their grant application is complete and regular. No notice will be provided concerning the status of a grant application if the Department has or is referring the application to law enforcement or other investigatory authorities for investigation or other action with regard to suspected fraud or other illegal activity in connection with the application.

(6) Award of Grants.

(a) A grant is awarded when the Department prepares and sends the grant applicant a form DFS-I4-1806 (Matching Grant Award Packet). No grant is considered awarded until the Department actually places form DFS-I4-1806 in the U.S. mail to the applicant.

(b) Grants awarded by the Department are conditioned on all the terms, conditions, and other provisions set forth by the Department in form DFS-I4-1806. By accepting the grant, the applicant agrees to all the said terms, conditions, and provisions.

(c) No change to the terms, conditions, and provisions of a grant shall be effective against the Department unless agreed to in writing and signed by the My Safe Florida Home program manager.

(7) The applicant must use a contractor who is participating in the program in accordance with Rule 69J-2.004, Florida Administrative Code. A current, updated list of participating contractor's can be found at <http://www.mysafefloridahome.com/ParticipatingContractorsLists.asp>.

(8) In order receive grant funds, the Participating Contractor must use products that meet impact, wind pressure, and pressure cycle testing requirements of, and be tested and approved under, the Florida Building Code Product Approval System, as established by Rule Chapter 9B-72, Florida Administrative Code, which is adopted pursuant to Section 553.73(1)(a), Florida Statutes. Products must meet one of following building code standards for 9 pound missile impact, wind pressure, and pressure cycling:

(a) Miami-Dade County Building Code using TAS 201, 202 and 203, as adopted therein, for homes in Miami-Dade County, to the extent applicable under that code; or

(b) Florida Building Code Product Approval using SSTD 12-93/97, ASTM E 1886 and E-1996, or TAS 201, 202 and 203, as adopted therein, to the extent applicable under that code.

(9) In order to receive grant funds for improvements, a particular improvement category needs to be completed:

(a) If the Homeowner chooses to protect windows in the home, all windows must be protected to receive grant funds for any window improvements. This includes gable vents.

(b) If the Homeowner chooses to protect exterior doors in the home all doors, including sliding glass doors, must be protected in order to receive grant funds for any door improvements.

(c) If the Homeowner chooses to brace the gable ends in a home, all gable ends four feet or more in height must be braced in order to receive grant funds for this improvement.

(d) Replacing a garage door with an impact-resistant door or bracing an already hurricane-rated garage door to make it impact-resistant can be performed without other improvements being made.

(e) Replacing skylights with an impact-rated skylight can be performed without other improvements being made.

(10) If bracing of gable ends is not identified by the department's wind inspection, but is identified as necessary by a participating contractor, the department will disburse funds for bracing gable ends with evidence in the form of photographs or video, a copy of the building permit when required by the building code applicable to do this improvement and upon re-inspection by the department.

(11) Improvements on a home pursuant to Section 215.5586(2), Florida Statutes, must be completed within twelve months of grant approval in order to be eligible for grant funds.

(12) After approval and the work is completed, an applicant must complete, sign, and return the reimbursement forms sent along with the grant approval letter. The reimbursement forms include a homeowner reimbursement form and a contractor verification form.

(a) The homeowner reimbursement form shall be completed out by the homeowner, and the following information must be included on the form:

1. Amount charged by the contractor;
2. Amount homeowner paid the contractor;
3. Homeowner's signature;
4. Homeowner's Social Security number.

(b) The contractor verification form shall be filled out by the participating contractor. The Contractor must complete the form, including a breakdown of labor and material costs. The following information must be included on the form:

1. Total job cost charged to the homeowner (for each type of improvement), including rebates or discounts offered to the homeowner;

- 2. Participating Contractor's name;
- 3. Business Name;
- 4. Participating Contractor's Signature;
- 5. Participating Contractor Number;
- 6. Date Work Completed;
- 7. Building permit number, if applicable.
- 8. For Opening and Door Protections;
 - a. The Florida Building Code (FBC) or Notice of Approval (NOA) product approval number;
 - b. Number of windows or doors and square footage protected;
 - c. Number of labor hours;
 - d. Labor Costs
 - e. Material Costs;
 - f. Other Costs (such as permit costs).
 - g. A Diagram or Cut Sheet completed by the contractor detailing what was protected;
- 9. For Bracing Gable Ends;
 - a. Material type;
 - b. Number of labor hours;
 - c. Labor costs;
 - d. Material costs;
 - e. Other costs (such as permit costs).

(c) Once the required forms are completed, the homeowner must submit the forms and any receipts to: My Safe Florida Home, Reimbursement Request, P. O. Box 8200, Tallahassee, Florida 32314-8200.

(13) A Homeowner will only be reimbursed one time for any or all improvements authorized by Section 215.5586(2)(e), Florida Statutes, up to \$5,000.

(14) When the My Safe Florida Home Program is in receipt of a completed reimbursement request, either an email confirmation or a mailing will be sent confirming the request has been received.

(a) If the forms that are submitted are complete, the homeowner should expect to receive a reimbursement check in approximately 6 to 8 weeks.

(b) If the forms are incomplete, the Program will contact the Homeowner to let them know what information is missing and will do one or more of the following:

- 1. Request that the Homeowner email, fax or mail the additional documentation;
- 2. Request the Homeowner to provide photos of the work completed on the home;
- 3. Incomplete reimbursement requests will remain pending until all necessary documentation is received.

(15) Each home that receives grants under this Program shall be subject to random inspection to comply with Florida law, Section 215.5586(2)(c), Florida Statutes, which requires the Program to re-inspect at least 5 percent of all homes retrofitted with grant funds.

(16) The My Safe Florida Home helpline, (866)513-6734, is available for questions concerning this rule.

(17) Implementation of Legislative Changes to Section 215.5586, Florida Statutes.

(a) Change in grant eligibility requirements. By operation of Chapter 2007-126, Laws of Florida, amending Section 215.5586(2)(a), Florida Statutes, effective June 12, 2007, the Legislature changed the grant eligibility requirements for persons receiving a completed home inspection after May 1, 2007. The Department interprets this legislation to be prospective only, and that homeowners who received a completed inspection under Section 215.5586(1), Florida Statutes, on or prior to May 1, 2007, remain eligible for a grant after May 1, 2007.

(b) Change in eligible types of retrofit improvement work. By operation of Chapter 2007-126, Laws of Florida, amending Section 215.5586(2)(e), Florida Statutes, effective June 12, 2007, the Legislature reduced the types of retrofit improvement work eligible for grant subsidy from seven categories to three categories. Prior to June 12, 2007, the Department had issued numerous notices or letters to homeowners advising those homeowners that they were eligible to apply for grant assistance for some or all of the four types of retrofit improvement work that were deleted from Section 215.5586, Florida Statutes, by operation of Ch. 2007-126, L.O.F. The Department interprets the Legislative intent in this matter to be as reflected in the following two sub-subparagraphs, and will implement Section 215.5586, Florida Statutes, accordingly.

1. Grants approved by the Department in writing prior to June 12, 2007, remain in force as to any and all of the seven types of retrofit improvement work specified and approved in the grant for the particular house in question.

2. Homeowners who received a notice or letter from the Department dated prior to June 12, 2007, advising those homeowners that they were eligible to apply for grant assistance for some or all of the four types of retrofit improvement work that have subsequently been deleted from Section 215.5586, Florida Statutes, by operation of Ch. 2007-126, L.O.F., but which homeowners were not approved for a grant prior to June 12, 2007, are not eligible for a grant to accomplish any of the four types of retrofit improvement work deleted by the Legislature effective June 12, 2007, notwithstanding that the inspection report or other papers provided to them by the Department prior to June 12, 2007, which recommended, advised, or indicated that the homeowner was eligible to apply for a grant for one or more of the four types of deleted retrofit improvement work.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ellen Simon, Chief Counsel, Division of Legal Services,
Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-7.007
 RULE TITLE: Grants – Medical Condition Exception

PURPOSE AND EFFECT: Section 215.5586, F.S., establishes the MyFloridaSafe Home Program to provide grants to encourage residential property owners meeting specified criteria to improve the structural integrity of their residential structures to make them less vulnerable to hurricane damage. In most cases, replacing one set of code compliant hurricane shutters with another set does not meet the statutory mandate that improvements funded by MySafeFlorida Home grant be used to make structures less vulnerable to hurricane damage. However, if a medical condition makes an existing shutter system too difficult to deploy, its replacement with a more easily deployed system may reduce hurricane damage vulnerability. The proposed rule provides a procedure for homeowners with a medical condition which impairs shutter deployment to obtain a grant to replace shutters.

SUMMARY: A MySafeFlorida Home grant applicant is permitted to use grant funds to replace existing window protection if justified by medical need.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 215.5586(6) FS.

LAW IMPLEMENTED: 215.5586 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: Wednesday, July 16, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Ellen Simon, (850)413-4270 or Ellen.Simon@myfloridacfo.com. 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: Ellen Simon, Chief Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4270

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-7.007 Grants – Medical Condition Exception.

(1) Definitions.

(a) “Grant” refers to a grant under Section 215.5586(2), Florida Statutes.

(b) “Department” refers to the Florida Department of Financial Services.

(c) “MSFH” refers to the My Safe Florida Home program.

(2) General Provision. A grant shall only be used to mitigate the risk of hurricane damage. Subject to the exception below, the Department will not approve a grant to replace opening protection on a home, where the home already has existing opening protection that complies with Florida Building Code requirements for new construction at the location designated by the grant application.

(3) Exception. If an existing and compliant opening protection system is unlikely to be deployed due to medical limitations on the Homeowner, a replacement system that is more likely to be deployed because such medical limitations do not impede deployment of the system shall nonetheless qualify for a grant, subject to the requirements of this section. In such instances, the Homeowner must establish by written medical opinion as required herein that the applicant is, for medical reasons, deemed incapable of, or is advised against, engaging in the actions necessary to deploy and install the existing opening protection devices, or establish by official letter from the Department of Veteran Affairs or Disabled American Veterans that the applicant is permanently or totally disabled, the Department will waive the prohibition set forth in subsection (2).

(4) Required Medical Opinion. In order to establish that an applicant is, for medical reasons, deemed incapable of, or has been advised against, engaging in actions necessary to deploy and install existing opening protection devices, the applicant must submit:

(a) A written medical opinion, on a physician’s letterhead which:

1. Bears the original signature of a physician as defined by Chapter 458, 459, 460, 461, or 463, Florida Statutes;

2. Bears the physician’s license number assigned by the Department of Health;

3. Is dated within 6 months of the date of application for grant; and

4. Contains a statement that in the physician’s opinion the applicant, due to age, physical stature, physical handicap, or medical condition, is deemed by the physician to be physically incapable of manually installing, removing, or deploying the

existing opening protection devices, or is advised by the physician not to attempt to manually install, remove, or deploy the existing opening protection devices due to risk of serious injury or exacerbation of an existing injury or medical condition or:

(b) An official letter from the Department of Veteran Affairs or Disabled American Veterans which:

1. Provides that the Homeowner is permanently or totally disabled; and

2. Is dated within 3-5 years of the date of application for grant.

(5) Procedures.

(a) A Homeowner desiring to apply for a grant to replace opening protection under this rule shall provide the Department with the documentation required in paragraph (4)(a) or (b).

(b) The Homeowner shall provide the Department with the original of the required written and signed medical opinion or statement as specified in this rule.

(c) The request for Medical Condition and accompanying documentation shall be filed by the Homeowner with the Department by mailing same to the Department at: MSFH, Grant Application Review, P. O. Box 7300, Tallahassee, FL 32314-7300.

(d) The Department will review the request and accompanying documentation and within 30-45 days of receipt advise the applicant of the status of the application.

1. If the request for medical condition exception is denied, the applicant will be advised by the Department in writing, sent to the mailing address provided by the applicant.

2. If the request for medical condition exception is approved by the Department, the Department will notify the applicant in writing; no approval will be deemed to have been given unless such a notification is issued by the Department. Any grant issued under the approved medical exception will be subject to the requirements of the "Grant Award Letter," "Grant Agreement, Terms and Conditions" document, and the "Reimbursement Request Packet," as those forms are adopted under Department Rule 69J-7.005, Florida Administrative Code. Grants awarded by the Department are conditioned upon compliance with all the terms, conditions, and other provisions set forth by the Department in the three Department forms identified in the preceding sentence. By accepting the grant, the applicant agrees to all of the above-referenced terms, conditions, and provisions. No change to the terms, conditions, and provisions of a grant shall be effective against the Department unless agreed to in writing and signed by My Safe Florida Home program management.

(6) Grants under this rule are subject to all the requirements, restrictions, and limitations otherwise applicable to grants under Section 215.5586, Florida Statutes, and rules implementing that section.

Specific Authority 215.5586(6) FS. Law Implemented 215.5586 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Chief Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-123.002 RULE TITLE: Procedure

PURPOSE AND EFFECT: The proposed rule adopts a new electronic form for filing a notice of intent to file a civil remedy action as provided in Section 642.155, F.S.

SUMMARY: Form DFS-10-363, "Civil Remedy Notice of Insurer Violation" is adopted as the means to comply with the notice requirement imposed by Section 624.155, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307, 624.155(3)(b) 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: Wednesday, July 23, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Greg Thomas, (850)413-3130 or Greg.Thomas@myfloridacfo.com. 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: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320; (850)413-3130

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-123.002 Procedure.

The civil remedy notice required by Section 624.155, F.S., shall be electronically submitted on Form DFS-I0-363, "Civil Remedy Notice of Insurer Violation," (Effective: _____), which is hereby adopted and incorporated by reference. The form shall be submitted to the Department of Financial Services, Bureau of Consumer Assistance, through the website at <https://apps.fldfs.com/civilremedy>. No fee is required.

Specific Authority 624.308(1) F.S. Law Implemented 624.307, 624.155(3)(b) F.S. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-149.041 RULE TITLE: Marketing Communication Material and Marketing Guidelines

PURPOSE AND EFFECT: These amendments change the current practice of small group carriers using two different underwriting application approaches, based on group size. This rule requires one type of application for all small employer groups, indifferent of group size.

SUMMARY: This rule creates an unfair trade practice pursuant to Section 626.9611, F.S., by prohibiting an insurer from treating certain sized small groups differently than it treats other sized small groups. Under the rule, all small groups must be treated the same, unless Section 627.6699, F.S., specifically otherwise provides.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 626.9611, 627.6699(13)(i), (17) FS. LAW IMPLEMENTED: 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (7), (12), (12)(c), (13), (13)(b) 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: July 23, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. 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: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.041 Marketing Communication Material and Marketing Guidelines.

(1) Any marketing communication shall comply with the requirements of Rule Chapter 69O-150, Part III, F.A.C.

(2) Any insurer marketing small group health plans shall comply with the following guidelines:

(a) The small group health history or size shall not be used to direct the small group to a particular small group plan except as permitted by the provisions of Section 627.6699, F.S.

(b)1. In determining eligibility for small group coverage an employer/employee income may not be used.

2. A carrier may request information and documentation to determine whether an individual qualifies as an active business that is eligible for coverage.

3. The following information, records, or documents may be requested or considered in determining whether an employer meets the definition of small employer pursuant to Section 627.6699(3)(v), F.S. If the employer was required by applicable law to maintain the information, record or documents or to file the document with a local, state or federal governmental agency or authority; maintains the information

in the normal course of business; or was issued the information, records, or documents by a local, state, or deferral agency or authority:

- a. IRS form 1040, Schedule C or F.
- b. IRS 941 (quarterly wage and tax form).
- c. IRS 1065 (for partnership income).
- d. IRS 1120 (corporate income).
- e. IRS 1099 (which may include payments to independent contractors).
- f. IRS 2106 (employee business expenses).
- g. IRS 990 (for non-profits with annual receipts over \$25,000).
- h. Occupational Licenses.
- i. State Licenses.
- j. Florida UT 6 (unemployment compensation tax form).
- k. Articles of incorporation.
- l. Partnership agreements.
- m. Affidavits from the customers or suppliers of the small employer.
- n. Auditable personal records of receipts, expenditures, invoices.
- o. Leases and other contracts.

4.a. Refusal to insure an eligible small employer because of the employer's refusal or unwillingness to provide information, records or documents which are not necessary to reasonably establish that the employer meets the definition of Section 627.6699(3)(v), F.S., violates Section 627.6699(5)(a), F.S.

b. Any statement that requires information not necessary for determining eligibility be provided for coverage to be issued shall constitute an unfair method of competition in violation of Section 626.9541(1)(b), F.S.

(c) In the instance where a company splits to become two or more corporations, with each corporation employing less than 50 employees, they are considered an eligible small employer if:

1. The group is not splitting solely with the intent of providing health insurance coverage to a separate class of employees;

2. The new company can produce signed documentation (i.e., articles of incorporation) that substantiates that there is a legitimate business with business activity;

3. All eligible employees are working 25 hours or more per week.

(d) New and renewal policies for the Basic and Standard policies issued on or after May 1, 1995, must include the 1995 Basic and Standard Health Benefit Plans (OIR-B2-95) pursuant to Section 627.6699(12), F.S., which is incorporated herein by reference and can be obtained from the Bureau of Life and Health Forms and Rates.

(e)1. Pursuant to Section 626.9611, F.S., the Office identifies the following as being prohibited by Section 626.9541(1)(b) or 626.9541(1)(g), F.S., for a small employer carrier in reflecting any of the permitted rate adjustments in subsection 690-149.037(6), F.A.C.:

a. To quote a rate which does not reflect the actual characteristics of the individual group; ~~or~~

b. Where necessary underwriting information has not been analyzed, to quote a rate other than the approved community rate. Any such quote of the community rate shall include a disclosure that the rate will be affected by the results of underwriting by up to 15 percent up or down for new groups, or up to a 10 percent increase for renewal groups; or

c. To use a different application form, underwriting method, medical questionnaire form, or any other method of collecting information that varies by case size to quote a group rate, such as an individual application or underwriting methodology for groups with less than a certain number of employees and a group application for larger groups, or any other way of separating the entire small group market from being one actuarially supportable class into subgroups within the small group market unless specifically prescribed by Section 627.6699, F.S.

2. This does not restrict carriers from quoting rates to groups based on estimated enrollment or demographics provided by the employer.

(f) Any practice that results in the declination of an application from an eligible small employer, other than for statutorily permitted reasons, constitutes a failure to comply with the guaranteed-issue requirements of Section 627.6699(5), F.S.; for example, imposing standards for eligibility that are not required by law, such as:

- 1. Requiring the small employer to be a domestic entity; or
- 2. Requiring the group to have prior group coverage; or
- 3. Requiring payment of premiums with business checks instead of personal checks.

Specific Authority 626.9611, 627.6699(13)(i), (17) FS. Law Implemented 626.9541(1)(b), (g)2., (x)3., 627.6699(3)(g), (v), (5)(a), (7), (12), (12)(c), (13), (13)(b) FS. History—New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.041, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Beth Senkewicz

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-149.205	Indemnity Standard Risk Rate
69O-149.206	Preferred Provider/Exclusive Provider Standard Risk Rates
69O-149.207	Health Maintenance Organization Standard Risk Rates

PURPOSE AND EFFECT: To publish the standard risks rates as required by Section 627.6675(3)(c), F.S.

SUMMARY: Section 627.6675(3)(c), F.S., requires the Office to annually determine standard risk rates, using reasonable actuarial techniques and standards. According to the statute, the standard risk rates must be determined as follows:

- Standard risk rates for individual coverage must be determined separately for indemnity policies, preferred provider/exclusive provider policies, and health maintenance organization contracts.
- The office shall survey insurers and health maintenance organizations representing at least an 80 percent market share, based on premiums earned in the state for the most recent calendar year, for each of the categories specified in # 1.
- Standard risk rate schedules must be determined, computed as the average rates charged by the carriers surveyed, giving appropriate weight to each carrier’s statewide market share of earned premiums.
- The rate schedule shall be determined from analysis of the one county with the largest market share in the state of all such carriers.
- The rate for other counties must be determined by using the weighted average of each carrier’s county factor relationship to the county determined in # 4.
- The rate schedule must be determined for different age brackets and family size brackets.

In compliance with this statutory mandate the Office conducted a survey, calculated the rate schedules, and by this rule amendment publishes the results.

The standard risk rates are used by the health insurers in setting their conversion rates, because pursuant to Section 627.6675(3)(a), F.S., the maximum a health insurer can charge for a conversion policy is 200% of the standard risk rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) 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: July 25, 2008, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, 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 5 days before the workshop/meeting by contacting: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com. 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: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

- 69O-149.205 Indemnity Standard Risk Rate.
- (1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female	County	Area Factor	
0-17	\$1,382.09	\$1,382.09	Alachua	0.70	
18	\$2,321.95	\$2,825.51	Baker	0.78	
19	\$2,321.95	\$2,825.51	Bay	0.80	
20	\$2,321.95	\$2,825.51	Bradford	0.82	
21	\$2,321.95	\$2,825.51	Brevard	0.93	
22	\$2,321.95	\$2,825.51	Broward	1.41	
23	\$2,321.95	\$2,825.51	Calhoun	0.75	
24	\$2,321.95	\$2,825.51	Charlotte	0.95	
25	\$2,321.95	\$2,825.51	Citrus	0.72	
26	\$2,402.43	\$2,939.73	Clay	0.80	
27	\$2,485.69	\$3,058.57	Collier	0.93	
28	\$2,571.85	\$3,182.21	Columbia	0.80	
29	\$2,660.98	\$3,310.85	Dade	1.30	
30	\$2,753.21	\$3,444.68	De Soto	0.74	
31	\$2,848.63	\$3,583.93	Dixie	0.69	
32	\$2,947.37	\$3,728.81	Duval	0.94	
33	\$3,049.52	\$3,879.55	Escambia	0.77	
34	\$3,155.21	\$4,036.38	Flagler	0.86	
35	\$3,264.57	\$4,199.55	Franklin	0.75	
36	\$3,384.66	\$4,340.95	Gadsden	0.75	
37	\$3,509.17	\$4,487.12	Gilchrist	0.75	
38	\$3,638.25	\$4,638.21	Glades	0.98	
39	\$3,772.09	\$4,794.39	Gulf	0.76	
40	\$3,910.85	\$4,955.83	Hamilton	0.77	
41	\$4,054.71	\$5,122.70	Hardee	0.80	
42	\$4,203.87	\$5,295.20	Hendry	0.97	
43	\$4,358.51	\$5,473.50	Hernando	0.85	
44	\$4,518.84	\$5,657.80	Highlands	0.71	
45	\$4,685.07	\$5,848.31	Hillsborough	0.82	
46	\$4,902.63	\$5,999.73	Holmes	0.75	
47	\$5,130.30	\$6,155.08	Indian River	0.92	
48	\$5,368.54	\$6,314.45	Jackson	0.77	
49	\$5,617.84	\$6,477.94	Jefferson	0.75	
50	\$5,878.72	\$6,645.67	Lafayette	0.78	
51	\$6,151.72	\$6,817.74	Lake	0.90	
52	\$6,437.39	\$6,994.26	Lee	0.97	
53	\$6,736.33	\$7,175.36	Leon	0.79	
54	\$7,049.15	\$7,361.14	Levy	0.80	
55	\$7,376.49	\$7,551.74	Liberty	0.75	
56	\$7,579.54	\$7,720.48	Madison	0.79	
57	\$7,788.18	\$7,893.00	Manatee	0.91	
58	\$8,002.56	\$8,069.37	Marion	0.77	
59	\$8,222.84	\$8,249.69	Martin	0.94	
60	\$8,449.19	\$8,434.03	Monroe	1.30	

61	\$8,681.76	\$8,622.49	Nassau	0.85
62	\$8,920.74	\$8,815.16	Okaloosa	0.76
63	\$9,166.29	\$9,012.14	Okeechobee	0.97
64	\$9,418.61	\$9,213.52	Orange	0.90
65	\$9,677.87	\$9,419.40	Osceola	0.91
66	\$9,677.87	\$9,419.40	Palm Beach	1.00
67	\$9,677.87	\$9,419.40	Pasco	0.90
68	\$9,677.87	\$9,419.40	Pinellas	0.87
69	\$9,677.87	\$9,419.40	Polk	0.84
70	\$9,677.87	\$9,419.40	Putnam	0.81
71	\$9,677.87	\$9,419.40	St. Johns	0.77
72	\$9,677.87	\$9,419.40	St. Lucie	0.99
73	\$9,677.87	\$9,419.40	Santa Rosa	0.77
74	\$9,677.87	\$9,419.40	Sarasota	0.76
75	\$9,677.87	\$9,419.40	Seminole	0.92
76	\$9,677.87	\$9,419.40	Sumter	0.81
77	\$9,677.87	\$9,419.40	Suwannee	0.82
78	\$9,677.87	\$9,419.40	Taylor	0.79
79	\$9,677.87	\$9,419.40	Union	0.79
			Volusia	0.92
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

73	\$7,366.63	\$7,140.13
74	\$7,366.63	\$7,140.13
75	\$7,366.63	\$7,140.13
76	\$7,366.63	\$7,140.13
77	\$7,366.63	\$7,140.13
78	\$7,366.63	\$7,140.13
79	\$7,366.63	\$7,140.13

Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.80
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.88
Wakulla	0.75
Walton	0.76
Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, 5-22-05, 6-1-06, 8-23-07.

69O-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (4) No change.

0-17	\$1,224.24	\$1,224.24
18	\$1,741.39	\$2,182.58
19	\$1,741.39	\$2,182.58
20	\$1,741.39	\$2,182.58
21	\$1,741.39	\$2,182.58
22	\$1,741.39	\$2,182.58
23	\$1,741.39	\$2,182.58
24	\$1,741.39	\$2,182.58
25	\$1,741.39	\$2,182.58
26	\$1,809.30	\$2,274.25
27	\$1,879.86	\$2,369.77
28	\$1,953.18	\$2,469.30
29	\$2,029.35	\$2,573.01
30	\$2,108.50	\$2,681.07
31	\$2,190.73	\$2,793.68
32	\$2,276.17	\$2,911.01
33	\$2,364.94	\$3,033.27
34	\$2,425.93	\$3,160.67
35	\$2,486.93	\$3,277.77
36	\$2,577.45	\$3,390.52
37	\$2,671.27	\$3,507.15
38	\$2,768.51	\$3,627.80
39	\$2,869.28	\$3,752.60
40	\$2,973.72	\$3,881.69
41	\$3,081.97	\$4,015.22
42	\$3,194.15	\$4,153.34
43	\$3,310.42	\$4,296.22
44	\$3,430.92	\$4,444.01
45	\$3,524.12	\$4,543.38
46	\$3,692.58	\$4,657.42
47	\$3,869.08	\$4,774.32
48	\$4,054.02	\$4,894.16
49	\$4,247.81	\$5,017.00
50	\$4,450.85	\$5,142.93
51	\$4,663.60	\$5,272.01
52	\$4,886.52	\$5,404.34
53	\$5,120.10	\$5,539.99
54	\$5,364.84	\$5,647.53
55	\$5,567.49	\$5,755.06
56	\$5,743.43	\$5,897.79
57	\$5,924.92	\$6,044.05
58	\$6,112.14	\$6,193.95
59	\$6,305.29	\$6,347.56
60	\$6,504.54	\$6,504.98
61	\$6,710.08	\$6,666.30
62	\$6,922.12	\$6,831.62
63	\$7,140.86	\$7,001.05
64	\$7,366.51	\$7,174.67
65	\$7,366.63	\$7,140.13
66	\$7,366.63	\$7,140.13
67	\$7,366.63	\$7,140.13
68	\$7,366.63	\$7,140.13
69	\$7,366.63	\$7,140.13
70	\$7,366.63	\$7,140.13
71	\$7,366.63	\$7,140.13
72	\$7,366.63	\$7,140.13

Alachua	0.72
Baker	0.78
Bay	0.77
Bradford	0.82
Brevard	0.95
Broward	1.40
Calhoun	0.75
Charlotte	1.00
Citrus	0.69
Clay	0.81
Collier	0.93
Columbia	0.81
Dade	1.37
De Soto	0.74
Dixie	0.73
Duval	0.99
Escambia	0.77
Flagler	0.82
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	1.01
Hernando	0.85
Highlands	0.75
Hillsborough	0.86
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.90
Lee	0.99
Leon	0.79
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.90
Marion	0.77
Martin	0.95
Monroe	1.37
Nassau	0.85
Okaloosa	0.72
Okeechobee	0.97
Orange	0.95
Osceola	0.92
Palm Beach	1.00
Pasco	0.90
Pinellas	0.87
Polk	0.84
Putnam	0.79
St. Johns	0.77
St. Lucie	0.99

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$2,269.71	\$2,205.88	Alachua	0.70
1	\$2,269.71	\$2,205.88	Baker	0.78
2	\$1,862.25	\$1,831.86	Bay	0.80
3	\$1,646.48	\$1,616.10	Bradford	0.82
4	\$1,524.94	\$1,464.16	Brevard	0.93
5	\$1,464.16	\$1,339.66	Broward	1.41
6	\$1,400.43	\$1,218.11	Calhoun	0.75
7	\$1,339.66	\$1,126.95	Charlotte	0.95
8	\$1,278.88	\$1,032.73	Citrus	0.72
9	\$1,248.50	\$1,032.73	Clay	0.80
10	\$1,278.88	\$1,063.12	Collier	0.93
11	\$1,309.27	\$1,126.95	Columbia	0.80
12	\$1,339.66	\$1,218.11	Dade	1.30
13	\$1,445.38	\$1,401.89	De Soto	0.74
14	\$1,569.89	\$1,526.40	Dixie	0.69
15	\$1,661.05	\$1,647.95	Duval	0.94
16	\$1,782.60	\$1,769.49	Escambia	0.77
17	\$1,846.43	\$1,868.63	Flagler	0.86
18	\$1,677.62	\$1,731.60	Franklin	0.75
19	\$1,729.06	\$1,833.53	Gadsden	0.75
20	\$1,779.55	\$1,938.77	Gilchrist	0.75
21	\$1,856.45	\$2,067.93	Glades	0.98
22	\$1,911.43	\$2,205.39	Gulf	0.76
23	\$1,963.55	\$2,315.98	Hamilton	0.77
24	\$2,015.45	\$2,431.51	Hardee	0.80
25	\$2,067.34	\$2,528.50	Hendry	0.97
26	\$2,119.01	\$2,592.34	Hernando	0.85
27	\$2,176.62	\$2,653.36	Highlands	0.71
28	\$2,257.50	\$2,718.82	Hillsborough	0.82
29	\$2,316.80	\$2,786.17	Holmes	0.75
30	\$2,372.69	\$2,833.44	Indian River	0.92
31	\$2,436.98	\$2,879.75	Jackson	0.77
32	\$2,506.76	\$2,954.83	Jefferson	0.75
33	\$2,578.54	\$3,031.05	Lafayette	0.78
34	\$2,649.40	\$3,082.98	Lake	0.90
35	\$2,741.76	\$3,134.92	Lee	0.97
36	\$2,816.34	\$3,188.48	Leon	0.79
37	\$2,898.23	\$3,246.48	Levy	0.80
38	\$2,974.23	\$3,279.60	Liberty	0.75
39	\$3,052.57	\$3,329.10	Madison	0.79
40	\$3,129.28	\$3,390.47	Manatee	0.91
41	\$3,201.52	\$3,480.97	Marion	0.77
42	\$3,307.34	\$3,602.71	Martin	0.94
43	\$3,405.57	\$3,738.45	Monroe	1.30
44	\$3,504.04	\$3,875.01	Nassau	0.85
45	\$3,620.45	\$4,027.23	Okaloosa	0.76
46	\$3,743.36	\$4,186.98	Okeechobee	0.97
47	\$3,867.57	\$4,332.64	Orange	0.90

48	\$4,044.14	\$4,487.03
49	\$4,254.26	\$4,647.82
50	\$4,484.29	\$4,817.80
51	\$4,712.62	\$4,964.22
52	\$4,992.07	\$5,108.97
53	\$5,243.22	\$5,219.95
54	\$5,532.82	\$5,375.90
55	\$5,798.51	\$5,533.46
56	\$6,114.18	\$5,718.08
57	\$6,471.97	\$5,933.22
58	\$6,819.70	\$6,156.54
59	\$7,192.79	\$6,400.67
60	\$7,454.79	\$6,678.58
61	\$7,701.77	\$6,911.27
62	\$7,900.57	\$7,143.56
63	\$8,070.52	\$7,316.73
64	\$8,206.71	\$7,426.21
65	\$8,758.12	\$7,836.62
66	\$8,793.24	\$7,867.77
67	\$8,851.33	\$7,900.07
68	\$8,929.30	\$7,940.58
69	\$9,007.04	\$7,983.68
70	\$9,085.01	\$8,023.71
71	\$9,162.51	\$8,064.69
72	\$9,244.24	\$8,109.88
73	\$9,318.22	\$8,145.70
74	\$9,388.96	\$8,183.89
75	\$9,463.41	\$8,224.62
76	\$9,537.41	\$8,257.64
77	\$9,611.39	\$8,296.75
78	\$9,648.63	\$8,348.73
79	\$9,685.87	\$8,400.24

Osceola	0.91
Palm Beach	1.00
Pasco	0.90
Pinellas	0.87
Polk	0.84
Putnam	0.81
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.92
Wakulla	0.75
Walton	0.76
Washington	0.76

44	\$3,173.17	\$3,498.34
45	\$3,271.10	\$3,632.92
46	\$3,374.26	\$3,771.39
47	\$3,475.57	\$3,898.07
48	\$3,626.99	\$4,032.97
49	\$3,810.31	\$4,174.28
50	\$4,012.82	\$4,321.61
51	\$4,214.32	\$4,450.89
52	\$4,465.09	\$4,578.17
53	\$4,688.76	\$4,677.00
54	\$4,947.13	\$4,816.24
55	\$5,184.67	\$4,955.53
56	\$5,463.95	\$5,120.27
57	\$5,785.99	\$5,311.64
58	\$6,098.51	\$5,514.89
59	\$6,427.77	\$5,736.18
60	\$6,647.42	\$5,983.42
61	\$6,856.36	\$6,196.74
62	\$7,020.01	\$6,407.38
63	\$7,156.05	\$6,561.01
64	\$7,252.08	\$6,650.07
65	\$7,658.43	\$6,942.77
66	\$7,684.51	\$6,965.97
67	\$7,727.50	\$6,989.85
68	\$7,785.23	\$7,019.80
69	\$7,842.79	\$7,051.80
70	\$7,900.53	\$7,081.44
71	\$7,957.91	\$7,111.74
72	\$8,018.35	\$7,145.25
73	\$8,073.20	\$7,171.83
74	\$8,125.51	\$7,200.10
75	\$8,180.54	\$7,230.24
76	\$8,235.39	\$7,254.79
77	\$8,290.24	\$7,283.73
78	\$8,317.67	\$7,322.17
79	\$8,345.26	\$7,360.43

Nassau	0.85
Okaloosa	0.72
Okeechobee	0.97
Orange	0.95
Oseola	0.92
Palm Beach	1.00
Pasco	0.90
Pinellas	0.87
Polk	0.84
Putnam	0.79
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.80
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.88
Wakulla	0.75
Walton	0.76
Washington	0.76

0	\$2,084.83	\$2,020.10
1	\$2,084.83	\$2,020.10
2	\$1,752.86	\$1,723.43
3	\$1,543.96	\$1,514.54
4	\$1,426.28	\$1,367.43
5	\$1,367.43	\$1,246.80
6	\$1,305.65	\$1,129.12
7	\$1,280.33	\$1,074.38
8	\$1,221.49	\$983.17
9	\$1,192.07	\$983.17
10	\$1,221.49	\$1,012.59
11	\$1,250.91	\$1,074.38
12	\$1,280.33	\$1,162.64
13	\$1,309.75	\$1,280.33
14	\$1,430.38	\$1,400.96
15	\$1,518.65	\$1,518.65
16	\$1,636.33	\$1,636.33
17	\$1,698.12	\$1,727.54
18	\$1,513.96	\$1,572.92
19	\$1,563.23	\$1,670.62
20	\$1,611.67	\$1,771.19
21	\$1,685.62	\$1,890.53
22	\$1,738.40	\$2,015.25
23	\$1,788.50	\$2,120.27
24	\$1,838.42	\$2,227.33
25	\$1,885.49	\$2,318.90
26	\$1,938.08	\$2,376.03
27	\$1,990.35	\$2,433.67
28	\$2,067.67	\$2,491.99
29	\$2,121.11	\$2,551.82
30	\$2,171.54	\$2,591.84
31	\$2,231.85	\$2,633.19
32	\$2,294.05	\$2,699.25
33	\$2,357.57	\$2,766.00
34	\$2,420.26	\$2,809.21
35	\$2,506.99	\$2,852.42
36	\$2,572.55	\$2,896.81
37	\$2,644.50	\$2,945.07
38	\$2,713.92	\$2,992.14
39	\$2,782.66	\$3,012.49
40	\$2,847.37	\$3,061.91
41	\$2,913.62	\$3,145.27
42	\$3,008.46	\$3,252.03
43	\$3,090.64	\$3,374.95

Alachua	0.72
Baker	0.78
Bay	0.77
Bradford	0.82
Brevard	0.95
Broward	1.40
Calhoun	0.75
Charlotte	1.00
Citrus	0.69
Clay	0.81
Collier	0.93
Columbia	0.81
Dade	1.37
De Soto	0.74
Dixie	0.73
Duval	0.99
Escambia	0.77
Flagler	0.82
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	1.01
Hernando	0.85
Highlands	0.75
Hillsborough	0.86
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.90
Lee	0.99
Leon	0.79
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.90
Marion	0.77
Martin	0.95
Monroe	1.37

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, 5-22-05, 6-1-06, 8-23-07, _____.

690-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$5,258.45	\$5,250.04	Alachua	1.04
1	\$2,968.48	\$2,960.07	Baker	1.06
2-6	\$2,909.90	\$2,901.49	Bay	0.90
7-12	\$2,822.45	\$2,814.04	Bradford	1.04
13-17	\$2,972.73	\$2,964.3	Brevard	0.94
18	\$2,549.95	\$4,120.85	Broward	1.00
19	\$2,570.16	\$4,301.90	Calhoun	0.90
20	\$2,610.13	\$4,382.36	Charlotte	0.99
21	\$2,630.36	\$4,472.30	Citrus	0.92
22	\$2,670.38	\$4,539.11	Clay	1.06
23	\$2,729.45	\$4,663.20	Collier	0.90
24	\$2,776.56	\$4,759.79	Columbia	1.04
25	\$2,819.35	\$4,883.42	Dade	1.00
26	\$2,899.75	\$5,051.05	De Soto	0.90
27	\$2,983.75	\$5,227.91	Dixie	1.04
28	\$3,047.19	\$5,290.86	Duval	1.06
29	\$3,150.59	\$5,242.98	Escambia	1.08
30	\$3,236.87	\$5,247.52	Flagler	0.90
31	\$3,279.13	\$5,177.31	Franklin	0.90
32	\$3,340.11	\$5,172.07	Gadsden	0.90
33	\$3,402.20	\$5,136.91	Gilchrist	1.05
34	\$3,444.91	\$5,106.34	Glades	0.90
35	\$3,532.78	\$5,128.20	Gulf	0.90
36	\$3,580.77	\$5,108.61	Hamilton	0.90
37	\$3,649.52	\$5,085.24	Hardee	0.84
38	\$3,748.38	\$5,099.53	Hendry	0.96

39	\$3,815.47	\$5,111.88
40	\$3,923.62	\$5,139.24
41	\$4,003.19	\$5,186.08
42	\$4,102.20	\$5,276.71
43	\$4,235.88	\$5,400.47
44	\$4,359.59	\$5,523.74
45	\$4,486.17	\$5,621.99
46	\$4,682.63	\$5,747.05
47	\$4,872.08	\$5,874.81
48	\$5,109.97	\$5,986.94
49	\$5,341.56	\$6,117.55
50	\$5,598.42	\$6,278.89
51	\$5,909.83	\$6,447.58
52	\$6,253.14	\$6,612.37
53	\$6,590.04	\$6,778.15
54	\$6,966.54	\$6,965.19
55	\$7,360.26	\$7,102.09
56	\$7,730.02	\$7,258.77
57	\$8,099.29	\$7,390.68
58	\$8,615.15	\$7,721.59
59	\$9,149.91	\$8,070.04
60	\$9,714.17	\$8,467.78
61	\$10,192.09	\$8,914.29
62	\$10,667.92	\$9,373.20
63	\$11,239.30	\$9,927.57
64	\$11,819.57	\$10,475.54
65	\$14,318.73	\$12,839.86
66	\$14,377.66	\$12,885.56
67	\$14,436.21	\$12,930.98
68	\$14,494.23	\$12,975.97
69	\$14,551.64	\$13,020.50
70	\$14,608.25	\$13,064.41
71	\$14,663.96	\$13,107.62
72	\$14,718.64	\$13,150.03
73	\$14,772.15	\$13,191.51
74	\$14,824.35	\$13,232.00
75	\$14,875.09	\$13,271.34
76	\$14,924.27	\$13,309.50
77	\$14,971.75	\$13,346.31
78	\$15,017.41	\$13,381.72
79	\$15,061.10	\$13,415.60

Hernando	1.03
Highlands	0.84
Hillsborough	1.01
Holmes	0.90
Indian River	0.90
Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.94
Lee	1.01
Leon	0.90
Levy	1.04
Liberty	0.90
Madison	0.90
Manatee	1.06
Marion	0.97
Martin	1.02
Monroe	0.90
Nassau	1.06
Okaloosa	1.05
Okceehobee	0.94
Orange	0.94
Osceola	0.96
Palm Beach	1.06
Pasco	1.01
Pinellas	1.01
Polk	1.15
Putnam	1.01
St. Johns	1.06
St. Lucie	1.01
Santa Rosa	1.08
Sarasota	1.07
Seminole	0.97
Sumter	0.97
Suwannee	0.94
Taylor	0.90
Union	0.90
Volusia	1.00
Wakulla	0.90
Walton	1.07
Washington	0.90

44	\$4,068.78	\$5,190.95
45	\$4,205.16	\$5,284.01
46	\$4,370.20	\$5,396.17
47	\$4,555.28	\$5,517.31
48	\$4,769.26	\$5,626.02
49	\$4,978.66	\$5,737.04
50	\$5,231.67	\$5,895.35
51	\$5,520.59	\$6,063.06
52	\$5,838.89	\$6,209.12
53	\$6,157.94	\$6,373.60
54	\$6,515.14	\$6,536.05
55	\$6,907.68	\$6,669.55
56	\$7,237.73	\$6,783.55
57	\$7,622.33	\$6,946.80
58	\$8,065.46	\$7,219.43
59	\$8,563.34	\$7,528.10
60	\$9,071.45	\$7,848.00
61	\$9,484.04	\$8,252.49
62	\$9,894.47	\$8,650.37
63	\$10,399.58	\$9,142.07
64	\$10,893.65	\$9,606.52
65	\$12,936.81	\$11,527.6-
66	\$12,999.71	\$11,576.46
67	\$13,062.20	\$11,624.93
68	\$13,124.13	\$11,672.96
69	\$13,185.41	\$11,720.48
70	\$13,245.82	\$11,767.35
71	\$13,305.29	\$11,813.46
72	\$13,363.66	\$11,858.73
73	\$13,420.76	\$11,903.01
74	\$13,476.48	\$11,946.23
75	\$13,530.64	\$11,988.22
76	\$13,583.13	\$12,028.95
77	\$13,633.80	\$12,068.24
78	\$13,682.54	\$12,106.03
79	\$13,729.17	\$12,142.19

Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.94
Lee	1.01
Leon	0.90
Levy	1.04
Liberty	0.90
Madison	0.90
Manatee	1.04
Marion	0.94
Martin	1.03
Monroe	0.90
Nassau	1.08
Okaloosa	1.00
Okceehobee	0.94
Orange	0.94
Osceola	0.97
Palm Beach	1.05
Paseo	1.01
Pinellas	1.01
Polk	1.10
Putnam	1.01
St. Johns	1.06
St. Lucie	0.99
Santa Rosa	1.07
Sarasota	1.05
Seminole	0.99
Sumter	0.99
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, 5-22-05, 6-1-06, 8-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerry Smith, Office of Insurance Regulation, E-mail gerry.smith@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Beth Senkewicz

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2008

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

0	\$4,549.06	\$4,540.08
1	\$2,844.95	\$2,835.97
2-6	\$2,795.78	\$2,786.81
7-12	\$2,722.34	\$2,713.36
13-17	\$2,853.04	\$3,396.75
18	\$2,432.62	\$3,953.57
19	\$2,467.46	\$4,161.38
20	\$2,484.87	\$4,309.58
21	\$2,519.74	\$4,452.46
22	\$2,537.83	\$4,586.82
23	\$2,555.92	\$4,720.44
24	\$2,636.28	\$4,824.84
25	\$2,657.34	\$4,916.66
26	\$2,750.27	\$5,051.52
27	\$2,814.76	\$5,178.03
28	\$2,893.63	\$5,183.92
29	\$2,957.60	\$5,199.76
30	\$3,057.35	\$5,207.63
31	\$3,097.50	\$5,198.32
32	\$3,154.83	\$5,195.85
33	\$3,195.81	\$5,114.57
34	\$3,253.97	\$5,056.36
35	\$3,302.10	\$4,975.57
36	\$3,382.08	\$4,973.32
37	\$3,465.24	\$4,900.54
38	\$3,542.63	\$4,897.93
39	\$3,623.88	\$4,910.68
40	\$3,690.05	\$4,905.22
41	\$3,767.50	\$4,954.19
42	\$3,861.40	\$4,991.64
43	\$3,968.29	\$5,109.03

Alachua	1.04
Baker	1.08
Bay	0.90
Bradford	1.04
Brevard	0.94
Broward	1.00
Calhoun	0.90
Charlotte	0.98
Citrus	0.88
Clay	1.08
Collier	0.90
Columbia	1.04
Dade	1.00
De Soto	0.90
Dixie	1.04
Duval	1.08
Escambia	1.07
Flagler	0.90
Franklin	0.90
Gadsden	0.90
Gilchrist	1.05
Glades	0.90
Gulf	0.90
Hamilton	0.90
Hardee	0.84
Hendry	0.94
Hernando	1.04
Highlands	0.84
Hillsborough	1.01
Holmes	0.90
Indian River	0.90