

2. The NAIC’s Quarterly Statement Instructions, Life, Accident and Health, 2008;

3. The NAIC’s Quarterly Statement Instructions, Health, 2008;

4. The NAIC’s Quarterly Statement Instructions, Title, 2008; and

5. The NAIC’s Accounting Practices and Procedures Manual, as of March 2008.

(c)(b) Copies of the manuals are available:

1. From the National Association of Insurance Commissioners, 2301 McGee, Suite 800, Kansas City, MO 64108-2604, and

2. For inspection at the Office at its headquarters in Tallahassee, Florida, during regular business hours.

Specific Authority: 624.308(1), 624.424(1) FS. Law Implemented: 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-138.001
RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: Section 624.316, Florida Statutes, requires the Office to examine insurer’s financial condition, using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule improves the Offices’ position by ensuring that the procedures used to examine insurers are the current generally accepted accounting practices.

SUBJECT AREA TO BE ADDRESSED: This rule is being amended to adopt the 2008 NAIC Financial Condition Examiners Handbook. The 2008 version is the latest version of this handbook. The current rule adopted the 2007 version.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.316 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 4, 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: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Krantz, Bureau of Life and Health, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) No change.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2008 ~~2007~~ is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07,_____.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-4.003, 5E-4.004
RULE TITLES: Noxious Weed Seed Disposition of Seed Contaminated with Noxious Weed Seed

PURPOSE AND EFFECT: The purpose of the proposed action is to amend Rules 5E-4.003 and 5E-4.004, F.A.C., to reclassify Nutgrass, cyperus rotundus, and Tropical Soda Apple, solanum viarum, from the status of prohibited noxious weed seed to restricted noxious weed seed. The proposed modifications will allow Florida grown seed lots, predominately bahiagrass and aeschynomene, found by laboratory analysis to contain a maximum of one Tropical Soda Apple seed per pound to be relabeled to explicit standards and sold only in Florida. The rule modification will also permit the sale of peanut seed lots found to be contaminated with nutgrass at a rate of one seed per pound. These modifications will provide the Florida seedsmen an option other than destruction thereby reducing the economic hardship to Florida’s seed industry.

SUMMARY: The proposed rule action will amend Rules 5E-4.003 and 5E-4.004, F.A.C., to reclassify Nutgrass, cyperus rotundus, and Tropical Soda Apple, solanum viarum, from the status of prohibited noxious weed seed to restricted noxious

weed seed. The proposed modifications will allow Florida grown seed lots, predominately bahiagrass and aeschynomene, found by laboratory analysis to contain a maximum of one Tropical Soda Apple seed per pound to be relabeled to explicit standards and sold only in Florida. This rule modification will also permit the sale of peanut seed lots found to be contaminated with nutgrass at a rate of one seed per pound. These modifications will provide the Florida seedsmen an option other than destruction thereby reducing the economic hardship to Florida's seed industry. It should be noted the requirements for destruction of seed lots that fail two consecutive attempts to reprocess will change. It will no longer be required that incineration or burial have to be in a solid waste disposal facility that has been permitted or is exempt from permit under Rule 62-701.320, F.A.C., Solid Waste Management Facilities.

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), 578.11(2) FS.

LAW IMPLEMENTED: 578.11(3), 578.12 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: Mr. Weldon Collier, Chief of the Bureau of Feed, Seed, and Fertilizer, 3125 Conner Boulevard, Lab #7, Tallahassee, Florida 32399, (850)414-1555

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-4.003 Noxious Weed Seed.

(1) Prohibited noxious weed seed shall include:

- (a) Bindweed (*Convolvulus arvensis*) None per pound
 - ~~(b) Nutgrass (*Cyperus rotundus*) None per pound~~
 - ~~(b)(e)~~ Serrated tussock (*Nassella trichotoma*) None per pound
 - ~~(d) Tropical soda apple (*Solanum viarum*) None per pound~~
 - ~~(c)(e)~~ Benghal dayflower (*Commelina benghalensis*) None per pound
- (2) Restricted noxious weed seed shall include:
- (a) Annual bluegrass (*Poa annua*) 1,000 per pound
 - (b) Balloonvine (*Cardiospermum halicacabum*) 4 per pound
 - (c) Bermudagrass (*Cynodon spp.*) 300 per pound
 - (d) Blessed thistle (*Cnicus benedictus*) 9 per pound
 - (e) Buckhorn plantain (*Plantago lanceolata*) 100 per pound

- (f) Canada thistle (*Cirsium arvense*) 100 per pound
- (g) Cheat or Chess (*Bromus secalinus*, and/or *commutatus*) 300 per pound
- (h) Cocklebur (*Xanthium spp.*) 4 per pound
- (i) Corncockle (*Agrostemma githago*) 100 per pound
- (j) *Crotalaria*
 - 1. *Crotalaria spectabilis* 9 per pound
 - 2. *Crotalaria mucronata (Striata)* 54 per pound
- (k) Darnel (*Lolium temulentum*) 100 per pound
- (l) Docks (*Rumex crispus*, *obtusifolius* and *conglomeratus*) 100 per pound
- (m) Dodders (*Cuscuta spp.*) 100 per pound
- (n) Horsenettle and Nightshades (*Solanum carolinense* and/or *elaeagnifolium*) 100 per pound
- (o) Johnson grass and Sorghum alnum (*Sorghum halepense* and/or *alnum*) 27 per pound
- (p) Nutgrass (*Cyperus rotundus*) 1 per pound
- ~~(q)(r)~~ Quack grass (*Agropyron repens*) 100 per pound
- ~~(r)(e)~~ Red rice (*Oryza sativa*) 300 per pound
- ~~(s)(t)~~ Sheep sorrel (*Rumex acetosella*) 200 per pound
- (t) Tropical soda apple (*Solanum viarum*) 1 per pound
- ~~(u)(s)~~ Texas millet (*Panicum texanum*) Buffalograss 9 per pound
- ~~(v)(t)~~ Wild onions (*Allium spp.*) 27 per pound
- ~~(w)(t)~~ Wild radish (*Raphanus raphanistrum*) 27 per pound
- ~~(x)(t)~~ Wild turnip or mustard (*Brassica spp.*) 27 per pound

(3) The total amount of all restricted noxious weed seed shall not exceed three hundred (300) per pound exclusive of Annual bluegrass.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History—Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89, 11-14-04, _____.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed.

(1) Seed lots containing one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the relabeling, reprocessing, or destruction through incineration or burial of the seed to a depth of at least 3 feet for a period of at least one year ~~in a solid waste disposal facility for~~

~~which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320, F.A.C. (Effective 5-27-01), Solid Waste Management Facilities.~~

~~(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If, after subsequent inspection and testing, the violation of Section 578.13, Florida Statutes, has ~~not~~ been corrected, the department shall issue a release (Release Notice Form DACS-13248 Rev 07/08), for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed upon relabeling. If, after two consecutive attempts to reprocess the seed lot, the seed lot continues to contain excessive one or more of the noxious weed seeds as listed in Rule 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be destroyed by incineration or burial to a depth of at least three feet for a period of at least 1 year ~~in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320, F.A.C. (Effective 5-27-01), Solid Waste Management Facilities.~~ ~~If none of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop sale, stop use, removal, or hold order and the seed lot may be sold and distributed.~~ ~~Upon release of the stop sale, stop use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.~~~~

(3) Any seed lot found to contain the restricted noxious weed seed Tropical Soda Apple, *solanum viarum*, at a rate of one seed per pound shall be labeled, in addition to the requirements listed in Section 578.09, Florida Statutes, with the following information:

(a) Included on the label "Noxious Weed Seed.....1 Tropical Soda Apple per pound;

(b) Plainly printed in red ink affixed in a permanent manner on the container in a size 16 font: "Seed in this container has been determined by laboratory analysis to be contaminated with the noxious weed Tropical Soda Apple at a rate of one seed per pound. This seed is only for distribution, sale, or planting within the State of Florida. Purchaser of this seed should follow the recommendations in the document SS-AGR-130 "Management Practices to Control Tropical Soda Apple" to prevent the establishment and spread of this noxious weed. Copies of this document can be obtained at your local UF/IFAS Extension Offices or found online at <http://edis.ifas.ufl.edu/UW188>."

(c) Documentation (such as delivery ticket or invoice) of sale or distribution of seed lots labeled to contain one tropical soda apple seed per pound shall be submitted to the Department's Seed Compliance Section immediately upon subsequent movement or distribution of seed.

(d) The IFAS document SS-AGR-130 "Management Practices to Control Tropical Soda Apple" is hereby adopted and incooperated by reference and can be found on-line at <http://edis.ifas.ufl.edu/UW188>.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History--Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89, 11-14-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Weldon Collier

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Anderson "Andy" Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 22, 2008

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.105	Contractual Agreements in Public's Interest – Control and Preventive Treatment for Wood-Destroying Organisms

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to add amendments to the rule regarding contracts for wood destroying organisms that would require the signature on these contracts, would require a master contract for treatment of multiple properties owned by a single owner, require periodic reinspections, require the use of a department form for informing consumers when a second contract for the same wood destroying organism control is offered, and require a damage repair warranty when a protection contract is offered but no treatment is performed.

SUMMARY: The addition of amendments to the rule regarding contracts for wood destroying organisms that would require the signature on these contracts, would require a master contract for treatment of multiple properties owned by a single owner, require periodic reinspections, require the use of a department form for informing consumers when a second contract for the same wood destroying organism control is offered, and require a damage repair warranty when a protection contract is offered but no treatment is performed.

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: 482.051 FS.

LAW IMPLEMENTED: 482.051 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: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)488-7447

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

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

(k) The signature of the licensee or his authorized representative, and the signature, ~~or when unavailable the verbal consent,~~ of the property owner or authorized agent.

(3) Contracts covering treatments for the prevention of subterranean termites for new construction:

(a) Shall clearly set forth that additional treatment(s) shall be performed to control an infestation should subterranean termite infestation occur to the structure treated during the warranty period shall clearly set forth that should subterranean termite infestation occur to the structure treated during the warranty period, additional treatment shall be performed to control the infestation. The warranty shall show either the date of initial or final treatment and shall be issued to the property owner or agent within 30 days of the date of initial or final treatment, whichever is specified on the contract, and shall be for a period no less than one year from date of treatment specified on the contract, and.

(b) The property owner at the time of each renewal, if a previous renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Section 482.227, F.S., and contain information required by paragraphs 5E-14.105(2)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j), and (k), F.A.C. and

(c) For treatment of multiple properties for a single owner, if individual contracts are not issued prior to treatment, a licensee shall either enter into a master agreement with the owner or authorized agent prior to treatment that provides for the fulfillment of the requirements of paragraphs (a) and (b) above, or issue an assignable contract on the property on completion of the treatment.

(d) This section applies only to treatment for the prevention of subterranean termites for new construction which does not physically attach to or adjoin existing structures.

- (4) through (5) No change.

(6) When periodic reinspections ~~or retreatments~~ are specified in wood-destroying organisms preventive or control contracts, the licensee shall furnish the property owner or his authorized agent, after each reinspection ~~or retreatment~~, a signed report of the condition of the property with respect to presence or absence of wood-destroying organisms covered by the contract and whether retreatment was made. A copy of the inspection report shall be retained by the licensee for a period of not less than three (3) years.

(7) A structure shall not be knowingly placed under a second contract for the same wood-destroying organism control or preventive treatment in disregard of the first contract, without first obtaining specific written consent in using DACS form 13671, 7/08 ~~letter form~~ signed by property owner or authorized agent.

- (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History–New 7-13-06, Amended 7-11-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Steve Dwinell

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Anderson H. “Andy” Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5I-7	Rural and Family Lands Protection Program
RULE NOS.:	RULE TITLES:
5I-7.001	Purpose
5I-7.002	Definitions
5I-7.003	Program Goals and Objectives
5I-7.004	Application Procedures and Requirements
5I-7.005	Technical Review and Evaluation of Project Applications
5I-7.006	Program Review and Evaluation of Project Applications
5I-7.007	Ranking, Review and Approval of Priority Acquisition List
5I-7.008	Title and Survey
5I-7.009	Appraisal Procedures, Report Requirements and Determining Maximum Amounts

- 5I-7.010 Negotiations and Purchase Instruments
- 5I-7.011 Board Action
- 5I-7.012 Closing
- 5I-7.013 Multi-Party Acquisitions
- 5I-7.014 Compliance, Monitoring and Enforcement

PURPOSE AND EFFECT: The rule implements the Rural and Family Lands Protection Program. The Rural and Family Lands Protection Act established a program within the Department of Agriculture and Consumer Services to bring under public protection lands that serve to limit subdivision and conversion of agricultural areas that provide economic, open space, water and wildlife benefits through acquisition of perpetual less-than fee easements.

SUMMARY: The rule establishes the requirements for application, evaluation, ranking and acquisition of perpetual less-than-fee easements on agricultural lands that are threatened with development.

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: 570.70, 570.71, 259.105(3)(i), 570.07(23) FS.

LAW IMPLEMENTED: 570.70, 570.71, 259.105(3)(i) 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: September 5, 2008, 9:00 a.m.

PLACE: Eyster Conference Room, Conner Building, 3125 Conner Boulevard, 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: Ed Kuester, (850)414-9929. 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: Ed Kuester, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9929

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-7.001 Purpose.

(1) The purpose of this chapter is to provide uniform and efficient procedures for the application, priority ranking, and acquisition of perpetual less-than-fee simple interests on working agricultural lands, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

(2) This chapter is promulgated pursuant to Section 570.71 and 259.105, Florida Statutes (F.S.) and establishes an application process and criteria for the use of program funds to protect rural and agricultural lands through perpetual easements.

(3) This chapter also establishes appraisal and title review processes, and a method to assure compliance with the terms of the perpetual easements.

(4) Acquisition procedures provided for in this rule are for voluntary, negotiated acquisitions and conveyances under agreements for purchase of perpetual less-than-fee simple interests.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71(10), 259.105(3)(i) FS. History—New

5I-7.002 Definitions.

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

(1) “Acquisition project” means a parcel or parcels of land proposed for acquisition in accordance with Section 570.71, F.S., and this rule.

(2) “Agriculture” is as defined in Section 570.02(1), F.S.

(3) “Agricultural Cooperative” means an established organization where farmers pool their resources in certain areas.

(4) “Agricultural Lands” means lands on which agriculture is conducted.

(5) “Baseline Documentation Report” means a report used for long term perpetual easement monitoring that documents existing conditions such as surface and minerals ownership, improvements, and land uses. The report also documents conservation values protected by the perpetual easement, including but not limited to agriculture, significant natural areas, water resources, and wildlife habitat.

(6) “Best Management Practices” or “BMPs” means a practice or combination of practices established by rule of the Department, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, of protecting environmental values.

(7) “Board” or “Board of Trustees” means the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

(8) “Commissioner” means the Florida Commissioner of Agriculture.

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

(10) “Department” means the Department of Agriculture and Consumer Services.

(11) “Division” means the Division of Forestry in the Department of Agriculture and Consumer Services.

(12) “Groundwater Recharge” means areas that provide water to an aquifer that is critical to springs, sinks, lakes, rivers, other natural systems, or water supply.

(13) “Natural Floodplain” means Federal Emergency Management Agency (FEMA) “special flood hazard areas (SFHA)” associated with major rivers. In counties where no FEMA data is available, the natural floodplain is estimated based on water management district landcover data, landsat data, and National Wetlands Inventory data.

(14) “Outparcel” means land within the boundaries of a parcel which is not owned or under the control of the parent tract owner or is intended to be excluded from the project by the parent tract owner.

(15) “Perpetual Easement” means a Conservation Easement as defined in Section 704.06, F.S., or a Rural Lands Protection Easement as defined in Section 570.71(3), F.S.

(16) “Program” means the Rural and Family Lands Protection Program.

(17) “Project” means a proposed perpetual easement as provided for in Sections 570.71 and 704.06, F.S.

(18) “Significant Natural Areas” as outlined in Section 570.71(1)(c), F.S., means agricultural lands with important species habitat or water resources.

(19) “Supplemental Standards” means the most current version of the Supplemental Appraisal Standards for Board of Trustees Land, which contains appraisal requirements that establish public policy and add to the standard appraisal procedures and practices of the appraisal profession for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, dated April 18, 2008, incorporated by reference and available on the internet at: <http://www.dep.state.fl.us/lands/appraisal/> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida 32399-3000 or by phone at (850)245-2658 or by fax at (850)245-2668.

(20) “Uniform Standards of Professional Appraisal Practices (USPAP)” means the generally accepted and recognized standards of real property appraisal practice in the United States promulgated by the Appraisal Foundation and used by state and federal agencies and others, incorporated by reference and available on the internet at: <http://commerce.appraisalfoundation.org/html/> or by sending a request to: The Appraisal Foundation, 1155 15th Street, N.W. Suite 1111, Washington, DC 20005.

(21) “Water Resources” means water bodies, aquifer recharge areas, wetlands, and watersheds.

(22) “Species Habitat” means an environment consisting of an assemblage of plants, animals and associated processes that provide a plant or animal with its physical and chemical requirements.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71(10)1, 259.105(3)(i) FS. History–New _____.

5I-7.003 Program Goals and Objectives.

(1) In order to qualify for acquisition pursuant to this rule, agricultural land must protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet at least one of the following public purposes consistent with Sections 259.105(3)(i) and 570.70(5), F.S.:

(a) Perpetuate open space on working lands that contain significant natural areas;

(b) Protect, restore or enhance water bodies, aquifer recharge areas including uplands and springsheds, wetlands, or watersheds;

(c) Consistent with subsection 5I-7.003(1), F.A.C., promote a more complete pattern of protection, including buffers to natural areas, ecological greenways, functioning ecosystems; and military installations as provided in Section 259.105(2)(h)1.-3., F.S.

(d) Promote the restoration, enhancement or management of species habitat, consistent with the purposes for which the easement is acquired.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History–New _____.

5I-7.004 Application Procedures and Requirements.

(1) For purposes of Sections 259.105(3)(i), 570.70(5) and 570.71, F.S., anyone submitting an application for consideration of a project under this rule shall utilize form DACS-11207, RURAL & FAMILY LANDS PROTECTION PROGRAM APPLICATION, 06/08, hereby incorporated by reference. Copies are immediately available on the internet at: <http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/> or by sending a request to: Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite “I”, Tallahassee, FL 32399-1650.

(2) Landowners applying to the Program who have submitted information to another agency under the Florida Forever program, Section 259.105, F.S., may submit a Rural and Family Lands Protection Program application. If the required supporting documentation has previously been provided to another agency, the applicant shall notify the

Department, which will then assist in identifying and securing information and documentation previously submitted and available from the other Florida Forever program.

(3) The Department shall accept applications on an ongoing basis.

(4) Not less than once per year the Department shall publish a Notice of Application Review Cycle with a date by which all applications must be received. All notices shall be published in the Florida Administrative Weekly, and post available on the internet at: <http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/> no less than 45 days prior to the application review cycle deadline.

(5) Each acquisition project application received shall, within 30 days of receipt, be reviewed by Division staff to verify sufficiency of information and that on its face is eligible for further review and evaluation in accordance with this section.

(a) Incomplete applications shall be returned to the applicant with a letter stating every deficiency, for completion and resubmission. If the supplemental information is not received by the application review cycle deadline, the entire file will be returned to the applicant.

(b) Applications determined to be ineligible shall be returned to the applicant with an explanation of the reason that the project was determined to be ineligible.

(c) Applications received after the application review cycle deadline shall be considered in the next group of projects.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.005 Technical Review and Evaluation of Project Applications.

(1) Once complete, the application shall receive an independent review within 45 days by members of a Technical Review Team appointed by the Commissioner or his designee.

(2) The Technical Review Team shall consist of no fewer than three (3) representatives from the following disciplines:

(a) Divisions within the Department with expertise in the types of agricultural activities currently in place within the project and contemplated for the future. The representatives from the Department shall be responsible for an evaluation of the agricultural operation, whether BMPs are being implemented, and suitability of land for long term agricultural use.

(b) The Florida Natural Areas Inventory, a scientific organization proficient in biological natural resource based evaluations, which shall perform a scientific assessment of natural resource attributes of each project.

(c) A state or local agency responsible for land planning and growth management, which shall perform an assessment of the level of threat of conversion to non-agricultural use

including, at a minimum, the land use designation of the property and surrounding area; development trends in the surrounding area that might serve to adversely impact future agriculture, or conversely, encourage the continuation of agriculture; and any known state or local rural land area designation applicable to the property.

(d) Geographically applicable water management district on projects where hydrological considerations are integral to the proposal, which shall assess the potential benefits of the property relating to floodplain, surface water, wetlands and aquifer recharge.

(e) Adjacent public land managers, if applicable, who shall assess the benefits of the property relating to buffering and connectivity.

(f) Other agencies or organizations deemed necessary by the Department, based upon the specific nature of the property involved in the application, to effectuate a thorough review and evaluation of an application.

(3) Review by Technical Review Team members will consist of an evaluation of each project application based on the program goals and objectives applicable to each team member's particular area of expertise as outlined in paragraph (2) above.

(4) Upon completion of the review, a narrative of each team member's findings shall be provided to the Department along with an evaluation of the extent to which the project achieves the goals and objectives in Rule 5I-7.003, F.A.C.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.006 Program Review and Evaluation of Project Applications.

(1) Division staff shall prepare a Program Evaluation Report for each project within 30 days of receipt of the findings of the Technical Review Team.

(2) The Project Evaluation Report shall include:

(a) A compilation of all Technical Review Team member reports, a summary of the information in the application, and any additional information relied upon by the team members. If applicable, this shall include a determination that the project does not meet the eligibility requirements for the RFLPP, or a recommendation that a project, or portion thereof, might be more suitably acquired by another Florida Forever land acquisition program pursuant to Section 259.105, F.S., because the property meets the goals and objectives that program. When such a recommendation is made, the landowner shall be contacted and provided the reason why the project is ineligible, or that another program may be appropriate. If the landowner applies to another program, the Department shall coordinate with the other program(s) by transferring all data and technical reviews that are available.

(b) Confirmation of the project boundary as contained in the application and any recommended boundary adjustments.

(c) A recommended monitoring entity for the project and a brief rationale for the recommendation, if said entity is different from the Department.

(d) Known or potential opportunities for cost sharing partnerships with complementary local, state and federal programs. A potential cost sharing opportunity or program shall be considered complementary if:

1. The goals, objectives and eligibility criteria of the partnering programs are compatible;

2. The property owner is willing to comply with the requirements of all entities or programs engaged in the partnership; and,

3. Funding is or will be available from participating programs to cost share the proposed perpetual easement.

(e) Whether the property is within an agricultural area as determined by a local government comprehensive plan pursuant to Section 163.3177(6)(a), F.S.; is within a rural land stewardship area pursuant to Section 163.3177(11)(d), F.S.; is classified as agricultural pursuant to Section 193.461, F.S.; or is part of an Agricultural Cooperative.

(f) Other relevant information based on a review of all evaluations and comments received, including those from local government and the general public.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.007 Ranking, Review and Approval of Priority Acquisition List.

(1) The Commissioner will designate a Rural and Family Lands Selection Committee of no fewer than five (5) members drawn from divisions and offices within the Department with expertise in various agricultural activities.

(2) Rural and Family Lands Selection Committee members shall independently evaluate projects based on consideration of the Program Evaluation Report detailed in Rule 5I-7.006, F.A.C., giving preference to ranch and timberlands managed using practices that provide multiple use and sustained yield of the renewable surface resources with the goal of sustaining the economic and ecological integrity of the property while allowing the agricultural business to operate and prosper.

(3) Eligible projects are those that protect the integrity and function of working landscapes, ensure opportunities for viable agricultural activities on working lands threatened by conversion to other uses, and meet at least one of the following public purposes consistent with Sections 259.105(3)(i) and 570.71(1), F.S.:

(a) Perpetuate open space on working lands that contain significant natural areas;

(b) Protect, restore or enhance water bodies, aquifer recharge areas including uplands and springsheds, wetlands or watersheds;

(c) Consistent with subsection 5I-7.003(1), F.A.C., promote a more complete pattern of protection, including buffers to natural areas, ecological greenways, functioning ecosystems; and military installations as provided in Section 259.105(2)(h)1.-3., F.S.;

(d) Promote the restoration, enhancement or management of species habitat, consistent with the purposes for which the easement is acquired.

(4) The Rural and Family Lands Selection Committee shall consider the list of projects at a public meeting conducted pursuant to Section 120.525, F.S. The purpose of the meeting shall be to receive public comment and by majority vote adopt a list of projects in priority order that qualify for acquisition under the Program.

(5) Each year that cash disbursements or bonds are to be issued pursuant to Section 259.105, F.S., the Department shall present the priority list, approved by the Rural and Family Lands Selection Committee, for review by the Council at a regularly scheduled public meeting.

(6) Following review by the Council, the Department shall present the priority list to the Board for approval, along with supporting information outlined in paragraph (7) below. The Board is authorized to remove projects from the list, but may not add projects or change project rankings, as provided in Section 259.04(1)(c), F.S.

(7) The Department shall submit to the Board, with its priority list, a report that includes, but is not limited to, the following information for each project listed:

(a) A summary of the project evaluation, including the type of agricultural activities currently on the property, the natural resource benefits of the project, and the current threat of conversion to non-agricultural uses.

(b) A map delineating project boundaries, and, where applicable, proximity to other protected lands.

(8) The combined value of all projects recommended to the Board by the Department may exceed the amount of money available for acquisition.

(9) Upon approval of the priority list by the Board and subject to the availability of funds, the Department may proceed with the acquisition process for perpetual easements.

(10) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially toward the highest ranked projects. However, the Board is authorized to approve the purchase of any project from the list, pursuant to Sections 259.105, 570.70 and 570.71, F.S.

(11) A priority list approved by the Board shall replace all prior lists. If a project from a prior list is removed, all acquisition activities shall cease, unless there is a fully executed contract on the property.

Specific Authority 570.07(23), 570.71(10), 259.105, 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105, 259.04(1)(c) FS. History—New _____.

5I-7.008 Title and Survey.

(1) Initial Title Report. In order for the Department to obtain appraisals, a title report shall be obtained from a licensed title company or title attorney authorized to do business in the State of Florida. The title report shall include an adequate legal description of the property to be acquired sufficient to inform the Department and the appraisers of the status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history.

(2) Evidence of Marketability. A title commitment shall be obtained by the Department, from a licensed title company or title attorney authorized to do business in the State of Florida, prior to the conveyance of title. The content of such evidence of marketable title shall demonstrate that title is marketable and compatible with the purposes of the acquisition.

(3) Condition of Title. The objective of negotiations for acquisition of property interests is to obtain all the landowner's rights, title and interest in the property as are necessary for the planned easement. All exceptions, reservations, encroachments or other adverse conditions that are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined and evaluated as to possible adverse effect on the objectives in acquiring the property interest. Such matters will be disclosed to the Board at the time the project is submitted on the Department's agenda for consideration by the Board.

(4) Prior to closing, a certified survey must be obtained, unless the requirement is waived by the Board if it determines that the available information is adequate to establish the boundaries of the property. Any certified survey shall be reviewed to ensure that it complies with the land acquisition survey standards of the Department of Environmental Protection, Division of State Lands, Bureau of Survey and Mapping dated September 3, 2002, incorporated by reference and available on the internet at: http://www.dep.state.fl.us/lands/surv_map/default.htm or by sending a request to: Department of Environmental Protection, Bureau of Survey and Mapping, 3900 Commonwealth Boulevard, M.S. 105, Tallahassee, Florida 32399-3000 or by phone at (850)245-2606 or by fax at (850)245-2645. The Department shall only use surveyors from the list of approved surveyors under contracts developed and maintained by the Bureau of Survey and Mapping.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.009 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.

(1) The Department shall only use appraisers and review appraisers from the list of approved appraisers under contracts developed and maintained pursuant to subsections 18-1.007(1) and (2), F.A.C. The Department is authorized to contract directly with qualified appraisers and review appraisers or coordinate through the Department of Environmental Protection, Division of State Lands for review appraisal services.

(2) Specific Project Appraiser Selection. Appraisers to be solicited for appraisal assignments will be those with competency in the area of specialization required by the proposed appraisal assignment, with additional consideration given to production time, cost efficiency, and contemplation of additional appraisal services in a specific project area.

(3) Through competitive bidding, multiple bids will be sought with the objective of obtaining the best possible services efficiently and at the most reasonable cost.

(4) Solicitations will include selection criteria to be used in making the final selection of the appraiser to be awarded the appraisal services required.

(5) For increased time and cost efficiency, for recurring needs for additional appraisal services in a specific project area or for a specific parcel, use of the same appraisers used for these previous services is allowed.

(6) The development and reporting of all appraisal services by the appraiser and review appraiser shall be consistent with the Uniform Standards of Professional Appraisal Practices (USPAP), Supplemental Standards, this chapter and the specific assignment. The Supplemental Standards identified in subsection 5I-7.002(16), F.A.C., are hereby adopted by reference.

(7) The Department shall make available to the appraiser all pertinent title information developed, a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(8) The appraisal report shall state any extraordinary assumption or hypothetical condition made by the appraiser in determining market value and shall document and adequately support the appraiser's estimate or conclusion as to value.

(9) The appraisal report shall be accompanied by a sales history of the parcel for the prior five years. Such sales history shall include all parties and considerations with the amount of consideration verified, if possible.

(10) When two appraisals are required under Section 259.041(7)(b), F.S., a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds 120% of the lower value. However, a third appraisal

shall not be obtained if the decision is made by the Department to attempt to negotiate an acquisition price of no more than 120% of the lower of the two appraisals.

(11) Determining the maximum amount:

(a) The maximum amount that may be paid for a perpetual easement shall be the value indicated in a single approved appraisal if only one appraisal is required. If two appraisals are obtained and approved when only one is required by law, the maximum value shall be the higher of the appraisals, regardless of their divergence.

(b) If two appraisals are required by law and their values do not differ significantly, the maximum amount that may be paid for the parcel shall be the higher value indicated in the two approved appraisals.

(c) If a third appraisal is obtained and approved, the maximum amount that may be paid for the parcel shall be the value contained in the higher of the two closest appraisals as long as the two closest appraisals do not differ significantly. If the two closest appraisals differ significantly, 120% of the lower of the two appraisals shall be the maximum value.

(12) Appraisal Reviews:

(a) Appraisal reviews will be conducted for each parcel by qualified review appraisers in accordance with USPAP requirements. Appraisals and appraisal review reports shall be submitted to the Department for the purpose of determining maximum amounts that may be paid for perpetual easements.

(b) For parcels with values greater than \$500,000 an appraisal review will be developed and reported according to the requirements of Standard 3 of the USPAP, the Supplemental Standards, and the specific requirements of the assignment. For parcels with values of \$500,000 or less, a cursory review by a qualified appraiser will be conducted for assurance that requirements of the assignment were met.

(13) All appraisers will be required to comply with Section 259.041(7)(c), F.S., and submit an affidavit substantiating that they have no vested or fiduciary interest in any property for which appraisal services will be awarded.

(14) Contract appraisal fees shall be paid by the Department.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.010 Negotiations and Purchase Instruments.

(1) Initial contact with the landowner by the Department may be established prior to negotiations, provided such contact is limited to the following:

(a) To request the owner's permission for the Department to inspect the property in order to determine its suitability for the purposes of the Program.

(b) To confirm the owner's interest in conveying a perpetual easement to the State and establish the terms of the proposed easement for appraisal purposes.

(c) To recommend that the owner confer with his or her tax advisor about the possibility of any tax advantages. Appraisals performed by the Department for acquisition purposes are not intended for use by the seller to qualify for tax advantages, and do not meet the federal requirements for such appraisals.

(d) To discuss the timing of possible future acquisitions, and the competition for funds under the Program.

(e) To discuss the matter of representation of the owner by an agent in any future negotiations, and the necessary confirmation by the owner of the agent's status.

(f) To advise of disclosure requirements.

(g) To discuss other information pertinent to the acquisition process in general.

(h) To provide the owner a copy of this rule.

(2) The Department is authorized to initiate purchase negotiations only upon receipt of the approved appraisal reports in accordance with this rule.

(3) Upon the initiation of negotiations the Department shall notify the landowner in writing that final purchase approval is subject to affirmative action by the Board and subject to legislative appropriation.

(4) When the landowner is represented by an agent or broker, negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner has been received by the Department.

(5) All offers and counter-offers shall be in writing, and shall be documented in the appropriate acquisition file of the Department.

(6) All offers, counter-offers and appraisal reports shall be confidential and exempt from the provisions of Section 119.07(1), F.S., until 2 weeks before an option contract, contract, or agreement for purchase is considered for approval by the Board. However, the Department has the authority, at its discretion, to disclose appraisal reports to private landowners during negotiations for acquisitions under this Program if the Department determines that disclosure of such reports will bring the proposed acquisition to closure.

(7) The objective of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations that conflict with the terms of the easement, at the lowest reasonable price. When negotiating the purchase of properties that include wetlands where the seller will bear the cost of the survey, the Department shall apprise the seller of the benefits of obtaining a survey that identifies a water line for acreage calculations, as opposed to a mean high water or ordinary high water survey.

(8) Purchase Instruments. The final negotiated purchase shall be placed in the form of a written purchase instrument signed by the owner and the Department, subject to approval by the Board.

(9) The Department shall use a form of purchase instrument meeting the intent of the law and this rule.

(10) Before the purchase instrument is submitted to the Board for approval, the provisions of Section 286.23, F.S., shall be complied with.

(11) All agreements involving the purchase of a perpetual easement shall be reviewed and approved at a duly noticed meeting by the Board.

(12) All conveyances of a real property interest shall vest in the Board. The Board may agree to jointly share title with a local government or water management district that has contributed funds to the purchase of the easement being jointly acquired. The title interest shall be no greater than the percentage of financial contribution by the governmental entity.

(13) A purchase instrument approved by the Board shall be binding on all parties, except that performance by the Board and the Department is subject to legislative appropriation and any other contingencies in the approved purchase agreement.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.011 Board Action.

(1) The Department shall furnish the following at the time a purchase is considered by the Board:

(a) The original of the purchase instrument.

(b) A copy of the owner's disclosure form under Section 286.23, F.S.

(c) Evidence of the marketability of the title. The Department may defer submittal and approval of the title commitment until after Board approval of the purchase instrument. In such case the Department will provide a copy of the owner's deed to the property.

(d) The approved appraisal reports.

(e) A written statement by the Department outlining the public interest for which the acquisition is being made, citing statutory authority, and stating that the property proposed for purchase is within a project on the Department's acquisition program list.

(f) A written statement signed by the owner confirming the owner's relationship with his agent.

(g) A written confirmation by the Department of the source and availability of funding for the acquisition.

(h) A copy of the current certified survey or appraisal map.

(i) All disclosures required by Subsections 375.031(1) and 380.08(2), F.S.

(j) A statement identifying any expenditure made in the categories set forth in paragraph (2)(a), (b) or (c) of 5I-7.012, F.A.C.

(k) A statement providing a good faith estimate of any additional expenditure in the categories set forth in paragraph (2)(a), (b) or (c) of 5I-7.012, F.A.C.

(2) The Department shall submit the proposed acquisition for consideration by the Board within 45 days after receipt from the landowner by the Department of the materials required by subsection (1) above. The Department shall supply a copy of the proposed purchase instrument and all supporting documentation to the Board for its review.

(3) The Department shall obtain authorization from the Board prior to purchase, and pursuant to the provisions of Chapters 570 and 259, F.S., for all acquisitions of land, title will vest in the Board.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.012 Closing.

(1) The Department shall have the authority to modify the purchase instrument previously approved by the Board to extend the time for option exercise, closing date, submittal deadlines or any other time limit relating to such agreement, provided the total extension of time for closing does not exceed 180 calendar days after the date contemplated in the purchase instrument approved by the Board. The Department shall also have the authority to execute or modify all documents necessary for the implementation of Board action, including without limitation the purchase instrument, legal descriptions, deeds, assignments, title policies and other miscellaneous agreements and affidavits, provided the modification does not change the substance or the scope of Board approval, and provided the document executed or modified was either approved by the Board or contemplated by Board approval. Any changes in the purchase price to be paid to the seller not contemplated by the terms of the purchase instrument must be approved by the Board. An extension or modification may only be made under the terms of the purchase instrument, or with the seller's agreement.

(2) The Department shall obtain all disclosures of beneficial interest required in Section 286.23, F.S., before submitting a purchase instrument to the Board for approval. All other disclosures, including those required by Sections 375.031(1) and 380.08(2), F.S., shall be obtained prior to closing. The following information shall also be included in the statement supplied by the owner prior to closing:

(a) The total amount of any finder's fee, real estate commission or other similar commission, including a statement as to whom those fees will ultimately be paid.

(b) The total amount of the attorney's fees paid to the owner's attorney, including a statement as to whom these fees will ultimately be paid.

(c) The amounts of other costs incidental to the sale, indicating to who these sums have been or are to be paid.

(3) The Department shall be responsible for proper completion of the closing and proper recordation of all legal documents necessary to vest title in the Board.

(4) All original documents including recorded documents shall be forwarded to the Department within 30 days after receipt by the closing agent from the county clerk. The Department shall forward all recorded documents and a copy of the title insurance policy to the Department of Environmental Protection, Division of State Lands within 30 days after receipt by the Department for inclusion in the Board's land title records system.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.013 Multi-Party Acquisitions.

(1) The Department may enter into an acquisition agreement with a cooperating entity, which may consist of another state agency, a water management district, a local government or a nonprofit organization as defined in Section 259.041(7)(e), F.S., for any property that has been authorized for acquisition pursuant to Section 570.71, F.S.

(2) The Department and a cooperating entity must execute an acquisition agreement prior to the cooperating entity obtaining title to, or any other legal interest in, the property to be acquired.

(3) An acquisition agreement may provide for the sharing of appraisals, offers, and other negotiation matters between the Department and the cooperating entity; provided, however the agreement shall require the cooperating entity to follow Department procedures and this chapter when acquiring appraisals and to deliver to the Department all negotiation files after negotiations with the owner have terminated. As a condition of the sharing of confidential information, the cooperating entity must agree to maintain, on its behalf and on behalf of its employees and agents, the confidentiality of appraisals, offers, and other negotiation matters, as required by Section 259.041(8)(c), F.S., and this chapter, and the cooperating entity must obtain the consent of the Department prior to disclosing the information to any other person.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

5I-7.014 Compliance, Monitoring and Enforcement.

(1) All perpetual easements acquired pursuant to this rule shall include provisions for assuring compliance, monitoring and enforcement of the terms and conditions of such perpetual easements.

(2) The Department shall procure or require any landowner to provide any reports, studies, or documents the Department deems necessary to document the existence and location of property boundaries, structures, environmental issues, conservation values, and natural features on the property in conjunction with and prior to closing for the purpose of developing a Baseline Documentation Report.

(3) All perpetual easements shall require the landowner to assure all activities adhere to established Best Management Practices (BMPs) or, in the absence of established BMPs, follow established standard industry practices.

(4) The Department shall monitor all perpetual easements utilizing form DACS-11208, RURAL & FAMILY LANDS PROTECTION PROGRAM EASEMENT MONITORING FORM, 06/08, hereby incorporated by reference and immediately available on the internet at: <http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/> or by sending a request to: Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, FL 32399-1650.

(5) In the event the owner of the property changes the type of agricultural use of the property, the Department shall update the Baseline Documentation Report to reflect the new agricultural use. All other provisions of the easement shall remain in full force and effect.

(6) The monitor shall be a Department employee, other public agency selected by the Department, or an independent contractor hired by the Department.

(7) The Department shall review all monitoring reports for compliance with monitoring specifications utilizing form DACS-11209, RURAL & FAMILY LANDS PROTECTION PROGRAM EASEMENT MONITORING REVIEW, 06/08, hereby incorporated by reference and immediately available on the internet at: <http://www.doacs.state.fl.us/xxxxx/xxxxxxxxx/> or by sending a request to: Florida Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Suite "I", Tallahassee, FL 32399-1650.

Specific Authority 570.07(23), 570.71(10), 259.105(3)(i) FS. Law Implemented 570.70, 570.71, 259.105(3)(i) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Kuester

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner Charles H. Bronson

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2008

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-10.004	Permits
14-10.0043	Outdoor Advertising License and Permit Fees

PURPOSE AND EFFECT: Rule 14-10.0043, F.A.C., is amended to increase the annual fee from \$44.00 to \$56.00 for each sign facing 200 square feet or less and from \$64.00 to \$76.00 for each sign facing more than 200 square feet. The pro

rata fees for partial year renewals also are revised based upon the full year annual fees. The application form also is being amended.

The fee structure previously listed in the rule development notice and form were adjusted downward based upon actual revenues received.

SUMMARY: Rule 14-10.0043, F.A.C., is being amended to increase annual permit fees and Rule 14-10.004, F.A.C., is being amended to incorporate a revised permit application 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: 334.044(2), 479.02(7), 479.07(3)(c) FS.

LAW IMPLEMENTED: 339.05, 479.02, 479.07(9) 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:

DATE AND TIME: September 8, 2008, 9:00 a.m.

PLACE: Department of Transportation, Suwannee Room (Room 250), 605 Suwannee Street, 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:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2). Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of (c), above, when a valid permit is being conditionally canceled pursuant to Rule subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in Rule subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2)(d) No change.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, together with all items required by Section 479.07(3)(b), F.S. For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06,_____.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$56.00 ~~\$44.00~~ for 200 square feet or less, and \$76.00 ~~\$64.00~~ for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: ~~\$56.00~~ ~~\$44.00~~ for each sign facing of 200 square feet or less; ~~\$76.00~~ ~~\$64.00~~ for each facing greater than 200 square feet;

(b) April 16 through July 15: ~~\$42.00~~ ~~\$33.00~~ for each sign facing of 200 square feet or less; ~~\$57.00~~ ~~\$48.00~~ for each facing greater than 200 square feet;

(c) July 16 through September 30: ~~\$28.00~~ ~~\$22.00~~ for each sign facing of 200 square feet or less; ~~\$38.00~~ ~~\$32.00~~ for each facing greater than 200 square feet;

(d) October 1 through January 15: ~~\$70.00~~ ~~\$55.00~~ for each sign facing of 200 square feet or less; ~~\$95.00~~ ~~\$80.00~~ for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier’s check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.02(7), 479.07(3)(c) FS. Law Implemented 215.34, 479.04, 479.07 FS. History—New 1-25-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Garner, Director, Office of Right of Way

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: William F. Thorp, Interim Assistant Secretary for Finance and Administration, for Stephanie C. Kopelousos, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 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.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.006	Enrollment Procedures for New Hires

19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement

PURPOSE AND EFFECT: To amend existing rules to add new policies, to change policies, and to address new legislation.

SUMMARY: Rule 19-11.002, F.A.C., regarding beneficiaries: amending to provide procedures for Alternate Payee to name a beneficiary; to provide procedures for a distribution when there is no social security number; and to provide for a distribution if there is no Estate Identification Number; Rule 19-11.004, F.A.C., regarding excessive trading is amended to provide notification that some mutual fund managers may ask about trading policies and may impose restrictions. Rule 19-11.006, F.A.C., regarding new hires; amending the grace period subsection to provide a more streamlined approach for a member's asking for a reversal of an election. Rule 19-11.007, F.A.C., regarding second elections: clarifying that a member may only make a second election while he is earning service credit; stating that the second election can be done online; and streamling procedures when an election is made in error. Rule 19-11.008, F.A.C., regarding forfeitures: clarifying the use of funds in the IP Forfeiture Account. Rule 19-11.009, F.A.C., regarding reemployment after retirement: clarifying when a retired employee may or may not return to work for an FRS-covered employer; providing liability for an employer who knowingly employs an employee who is not entitled to return to work.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.029(29),(39), 121.051, 121.055, 121.35, 121.091(5),(8), (9)(b),(c), 121.4501(2),(3),(4),(5),(6), (8), (13),(14), (15), (20), 121.591(1)(a)4.,(3), 121.73, 121.74, 121.78, 215.44(8)(b), 744.301, 1012.875(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:

DATE AND TIME: Tuesday, September 2, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Emerald Coast Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Cindy Morea, Office of Defined Contribution Programs, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308: (850)413-1491; or cindy.morea@sbafla.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 RULES IS: Cindy Gokel, Assistant General Counsel, SBA: (850)413-1199 or cindy.gokel@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.002 Beneficiary Designation for FRS Investment Plan.

(1) through (5) No change.

(6)(a) An Alternate Payee may name a beneficiary to receive the benefits which may be payable in the event of the Alternate Payee's death at any time, as outlined in paragraphs (4)(a) through (f) above, once the Alternate Payee's account has been established by the FRS Investment Plan Administrator.

(b) If the Alternate Payee does not name a beneficiary(ies), then the Alternate Payee's beneficiary(ies) will be those as described in Section 121.4501(20)(a), F.S. which are: first, the spouse, if he or she is still living after the member's death; second, living children, if the spouse is dead; third, the member's father or mother, if living; fourth, to the member's estate. This means that the spouse will receive the member's account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance, and if none of the people mentioned in this paragraph are still living, the account balance will be paid to the Alternate Payee's estate.

(7)(a) If the deceased member has named a beneficiary but has not provided the beneficiary's social security number or address, or if the social security number is incorrect, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan Administrator to contact the beneficiary, the FRS Investment Plan Administrator will issue a check payable to the beneficiary and hold the check for 180 days, at which time the check will be considered stale-dated.

(b) The FRS Investment Plan Administrator will, at the time of distribution, make a reasonable effort to obtain the beneficiary's Taxpayer Identification Number, using available search tools, including the internet, Nexis Lexis Accurint, the Internal Revenue Service, and the Social Security Administration. Additionally, by calendar year-end, in the year the distribution occurred, the FRS Investment Plan Administrator will attempt to locate and obtain the social security number of the beneficiary, and, at least one time in the calendar year following the distribution, to locate the beneficiary. The Investment Plan Administrator will document for the Internal Revenue Service the efforts taken to locate the beneficiary's Taxpayer Identification Number.

(c) Once 180 days have elapsed from the date the check was issued, the funds shall be transferred to the Stale-dated Check Account, indicating the name of the deceased member and the name of the beneficiary. The amount will be held in the FRS Investment Plan Stale-dated Check Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Stale-dated Check Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary.

(d) Should the beneficiary be located and provides a social security number, the check will be reissued, without interest or earnings due to the delay in payment, subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the beneficiary.

(8)(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid until receipt of the Estate Identification Number. In this circumstance, and in accordance with federal guidelines, the FRS Investment Plan Administrator will issue a check payable to the estate of the member and hold the check for 180 days, at which time the check will be considered stale-dated.

(b) The FRS Investment Plan Administrator will, at the time of distribution, make a reasonable effort to obtain the Estate Identification Number. Additionally, by calendar year-end, in the year the distribution occurred, the FRS Investment Plan Administrator will attempt to locate and obtain the Estate Identification Number, and, at least one time in the calendar year following the distribution, to locate the Estate Identification Number. The Investment Plan Administrator will document for the Internal Revenue Service the efforts taken to obtain an Estate Identification Number.

(c) Once 180 days have elapsed from the date the check was issued, the funds shall be transferred to the Stale-dated Check Account, indicating the name of the deceased member and the name of the estate. The amount will be held in the FRS Investment Plan Stale-dated Check Account until (1) the member's estate representative contacts the FRS Investment Plan; or (2) a beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Stale-dated Check Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member.

(d) Should the estate's representative subsequently provide an Estate Identification Number, the check will be reissued, without interest or earnings due to the delay in payment, subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the estate.

Specific Authority 121.4501(8) FS. Law Implemented 121.091(8), 121.4501(20), 121.591(3) FS. History--New 10-21-04, Amended 3-9-06, 11-26-07, _____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) Purpose.

(a) The purpose of this rule is to mitigate the negative impact on members in the FRS Investment Plan from excessive trading and to establish limitations on such excessive trading. The Trustees of the State Board of Administration of Florida (SBA) have a fiduciary duty to make decisions about the FRS Investment Plan in the best interests of all members and beneficiaries.

(b) Excessive trading by just a few of a fund's investors can disrupt fund operations, increase expenses and harm fund performance for all investors. In particular, some members have shown a high proclivity to make numerous short-term trades in foreign stock funds in an attempt to exploit funds' pricing conventions and other technical factors. Therefore, this rule establishes limitations so that excessive trading between approved investment funds shall be prevented, without materially inhibiting all members' opportunities to direct contributions and account balances between investment funds with a frequency that is appropriate in light of the market volatility of the funds.

(c) The Executive Director of the SBA is directed to establish a policy on excessive trading in Section V of the Investment Policy Statement, adopted and incorporated by reference in Rule 19-9.001, F.A.C. This rule establishes that policy.

(d) Effective October 16, 2007, ~~the~~ United States Securities and Exchange Commission has adopted Rule 22c-2.(17CFR270.22c-2.) regarding excessive trading for open-end mutual funds. This rule does not apply to institutional funds nor to mutual funds for which the ~~SBA~~ FRS has received exemptions. This rule gives mutual funds the right to ask the FRS Investment Plan Administrator for information about members and their trading activities. If the mutual funds determine that the member has engaged in excessive trading under the mutual funds' ~~policies~~ standards, the mutual funds are entitled to impose redemption fees or ~~prevent block~~ trading that violates the mutual funds' excessive trading policies. It is the responsibility of the member to comply with the trading restrictions permitted by the U.S. Securities and Exchange Commission. Any applicable ~~The~~ fees will be deducted directly from the members' accounts. To prevent FRS Investment Plan members from having to pay monetary penalties or being prevented from making additional transactions, the FRS has requested that the Administrator use its "best efforts," by using a computer-based system, to monitor members' trading activities and to prevent restricted trades from occurring in any of the three mutual funds in subparagraph 2., below. However, if a restricted trade is not prevented, the member will be responsible for paying any

monetary penalties through a reduction in his or her account balance in the amount of the penalty and will also be subject to continued trading restrictions.

2. All approved mutual funds in the FRS Investment Plan have agreed to use the Investment Plan's ~~let the SBA continue with its~~ excessive trading policy as outlined in this rule except the following three ~~four~~ funds: Fidelity Growth Company, T. Rowe Price Small Cap Stock, and PIMCO High Yield, ~~and PIMCO Total Return. This investigation is scheduled to begin on October 16, 2007.~~ When this list changes, members will be notified. Note that the restrictions in the SEC Rule 22c-2 are in addition to the restrictions in this Rule 19-11.004, F.A.C.

(2) No change.

(3) Limitations.

(a) Regarding authorized foreign or global stock funds: After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, members are prohibited from completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last-dollar-in and first-dollar-out for the roundtrip calculation.

(b) Regarding all authorized funds, except for money market funds:

1. Members who engage in Market Timing Trades in authorized funds will receive a warning letter, sent by U.S. Mail, ~~certified return receipt requested.~~ The warning letter shall notify the member that excessive trades have been identified in his/her accounts and any additional violations will result in a direction letter.

2. Members who engage in Market Timing Trades in authorized funds and who have previously received a warning letter described in subparagraph 1., above, will be sent a ~~certified return receipt~~ direction letter delivered by courier. The direction letter shall require that the member shall not have access to automated online ~~or telephonic~~ trade instructions for at least one full calendar month following the date of the direction letter. The member shall be required to conduct trades via telephone by contacting the Plan Administrator for at least one full calendar month.

3. Members who engage in Market Timing Trades and who have previously received a direction letter, as described in subparagraph 2., above, will be sent another ~~certified return receipt~~ direction letter, delivered by courier. This direction letter shall require that the member shall not have access to automated ~~or telephonic~~ trade instructions for at least three full calendar months following the date of the direction letter. The member shall be required to conduct trades via telephone by contacting the Plan Administrator for at least three full calendar months+.

4. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 3., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the

member shall only be permitted ~~be required~~ to conduct trades via paper trading forms for at least three full calendar months following the date of the direction letter.

5. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 4., above, will be sent another ~~certified/return receipt~~ direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted ~~be required~~ to conduct trades via paper trading forms for at least twelve full calendar months following the date of the direction letter.

6. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 5., above, will be sent another ~~certified/return receipt~~ direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted ~~be required~~ to conduct trades via paper trading forms for the remainder of any time that any balance exists in the member's Investment Plan account following the date of the direction letter.

(c) If Member A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Member A's access to automated online ~~or telephonic~~ trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.

(4) through (5) No change.

Specific Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, _____.

19-11.006 Enrollment Procedures for New Hires.

(1) through (5) No change.

(6) Grace Period.

(a) If a member ~~an employee~~ files an election with the Plan Choice Administrator and the member ~~employee~~ realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The member ~~employee~~ must notify the SBA, by a telephone call to the toll-free MyFRS Financial Guidance Line at number: 1(866)446-9377, ~~or by e-mail~~, or by written correspondence directly to the SBA, to the Plan Choice Administrator, or to the Division, ~~before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs~~ no later than 4:00 PM Eastern Time on the last business day of the ~~month following the~~ election effective month.

~~2. Member Actively Elects the FRS Pension Plan~~. The ~~employee must notify the SBA no later than the last business day of the month following the election month.~~

(b) If the request to reverse ~~void~~ the election is made timely and the SBA finds that the election was made in error ~~agrees the election will be voided~~, the member will be required to sign a release and return it to the SBA no later than 4:00 PM, Eastern Time, on the last business day of the election effective month prior to the election's being officially reversed ~~voided~~. The member will acknowledge that failure to return a signed release by the requested due date will result in the original election being reinstated ~~make a new election within one calendar month will result in the original election's being reinstated, and that once the revised election is made it cannot be changed (unless the member uses his second election, if available).~~

(c) Upon receipt of the release, the Division and the Administrator will be directed to do the following:

1. The Division will revise its database to reflect the member's plan change. The member will have until his or her choice period deadline date to make a new election. If the member's choice period has ended, the member will have one calendar month to make a new election. Failure to make a new election will result in the member's defaulting into the Pension Plan and extend the member's election period by one calendar month, except for the situation described in subparagraph 3.4., below.

2. The Plan Choice Administrator will send the member written confirmation ~~contact the member via telephone or email and tell him or her~~ that the election has been reversed ~~voided~~.

~~3. The member will make a new election via telephone, or using the website at www.MyFRS.com or using a form prior to the newly established deadline.~~

3.4. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been reversed ~~voided~~.

(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., F.S.

(7) through (9) No change.

Specific Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, _____.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(e), F.S. This rule includes procedures for

members who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension Plan; or for members who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan or the FRS Investment Plan Hybrid Option. A member may make a valid 2nd election only if the 2nd election is made and processed by the Plan Choice Administrator while the member is earning service credit in an employer-employee relationship consistent with the requirements of Section 121.021(17)(b), F.S. FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election. Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd Election until they return to covered FRS employment. In general terms, this means that the 2nd election must be made and processed while the member is actively working and being paid for that work. It is the responsibility of the member to assure that the 2nd election is received by the Plan Choice Administrator no later than 4:00 PM Eastern Time on the last business day the member is earning salary and earning service credit.

(2) Definitions.

(a) “FRS Investment Plan” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member participant chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan or the FRS Investment Plan Hybrid Option and further chooses that all future employer contributions be deposited in his FRS Investment Plan account. Although established in Parts II and III, certain parts of Part I of Chapter 121 also apply to the FRS Investment Plan. Any accrued service benefit transferred from the FRS Pension Plan to the FRS Investment Plan will be subject to the vesting requirements of the FRS Pension Plan.

(b) “FRS Investment Plan Hybrid Option” or “FRS Hybrid Option” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(b), F.S., and further chooses that all future employer contributions be deposited in his FRS Investment Plan Hybrid Option account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan Hybrid Option.

(c) “FRS Pension Plan” means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, F.S.

(d) “I,” “you,” or “your:” these references are to the member in the context of relevant parts of the two enrollment forms described in this rule.

(e) “ABO” “Accrued service benefit” or “accumulated benefit obligation” means the present value amount already earned by a member in the FRS Pension Plan which, if the participant uses the 2nd election, will be transferred to his or her account in the FRS Investment Plan.

(3) General Procedures.

(a) All members who wish to change their FRS retirement plan using their 2nd second election must use a 2nd election enrollment form or, if moving from the FRS Pension Plan to the FRS Investment Plan or FRS Investment Plan Hybrid Option, may do so online by accessing the Second Choice Service at MyFRS.com. There are two types of enrollment forms. The “2nd Election Retirement Plan Enrollment Form” allows requires the member to choose the investment funds options he wishes to use if changing he is choosing to move to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, by using the “2nd Election EZ Retirement Plan Enrollment Form,” the member is choosing to have his employer contributions and any transfers from the FRS Pension Plan invested in the FRS Select Moderate Balanced Fund. The member may change the his investment selection at any time after he is transferred to the FRS Investment Plan or the FRS Investment Plan Hybrid Option account is activated. Activation occurs when contributions are deposited to the member’s FRS Investment Plan account.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: 1(866)446-9377, or for the hearing-impaired: 1(888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) Elections made by The form must be mailed to the FRS Plan Choice Administrator, CitiStreet, FRS Investment Plan Administrator, P. O. Box 56290, Jacksonville, Florida 32241-6290; or faxed toll-free to 1(888)310-5559.

(d) The member may elect to move between the Florida Retirement System retirement programs only if the member is earning service credit in an employer-employee relationship consistent with the requirements under Section 121.021(17)(b), F.S. FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election. Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd Election until they return to covered FRS employment, excluding unpaid leaves of absence. The election form must be received and processed by the FRS Plan Choice Administrator before the member terminates covered FRS employment is terminated. It is the responsibility of the member to ensure the election is received by the Plan Choice Administrator no later than 4:00 PM Eastern Time on the last business day the member is earning salary and earning service credit. If the last day of the month is a Saturday, Sunday, or legal holiday, the deadline is the last business day of the month.

~~1. Example: if a member submits the 2nd Election Retirement Plan Enrollment Form in the month of November, the effective date of the plan change will be December.~~

~~2. Example: if a member intends to terminate his FRS covered employment, he must ensure that the form is received by the FRS Plan Choice Administrator before he terminates his employment. Therefore, if a member wishes to terminate on November 27, he must ensure that the form is received and processed by the FRS Plan Choice Administrator before that date.~~

~~3. Example: the last day of February, 2004, was Sunday, February 29. Therefore, the last business day was the preceding Friday, February 27. For a 2nd Election to have been effective as of March 1, 2004, the form must have been received by the FRS Plan Choice Administrator before 4:00 p.m. Eastern Time on Friday, February 27.~~

(4) No change.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE-2EZ, "2nd Election EZ Retirement Plan Enrollment Form," Rev. 1-08 07-07, is hereby adopted and incorporated by reference.

(b) All members choosing to use this form are required to fill out Section 1 of the form by providing the member's name and Social Security number and checking only one of three boxes, indicating which choice the member is making.

(c) The form must be signed and dated by the member and must include a daytime telephone number. Inclusion of an e-mail address or the name of the member's employing agency is optional on the member's part.

(d) The form must be mailed to the address set out in paragraph (3)(c), above.

(e) The member must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments. The Division is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.

(g) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(h) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

(i) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name and address and phone numbers of the member, social security numbers, the plan selection, signatures, or dates. The incomplete form will be returned to the member to add any missing information.

(6) Grace Period.

(a) If a member files an election with the Plan Choice Administrator and the member employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be reversed voided, subject to the following requirements: ~~1. The member must notify the SBA must be notified~~, by a telephone call to the toll free MyFRS Financial Guidance Line at number: 1(866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the Plan Choice Administrator, or to the Division, ~~before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than 4:00 p.m. Eastern Time on the last business day of the month following the election effective month.~~

~~2. Member Elects the FRS Pension Plan. The SBA must be notified no later than the last business day of the month following the election month.~~

(b) If the request to reverse void the election is made timely and the SBA finds agrees the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 PM, Eastern Time, on the last business day of the election effective month prior to the election's being officially reversed will be voided; Upon receipt of the release, the Division and the Plan Choice Administrator will be directed to do the following:

1. The Division will revise its database to reflect the election has been reversed voided.

2. The Plan Choice Administrator will send the member written confirmation ~~contact the member via telephone or email and tell him or her~~ that the election has been voided.

3. The member will make a new election using a form consistent with subsections (3) and (4), above.

~~4. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been voided.~~

(c) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., F.S.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3), (4), (8)(b)4., (15)(b), (20) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, _____.

19-11.008 Forfeitures.

(1) Purpose. The purpose of this rule is to clarify the provisions regarding forfeitures of account balances.

(2) Forfeitures after Separation or Retirement from FRS Employment.

(a) If a member terminates FRS-covered employment before vesting in his Investment Plan benefit or any transferred Pension Plan benefit, he will not be entitled to any benefit. The account balance will be placed in a suspense account. The suspense account shall be ~~is~~ invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings. If the member returns to work for an FRS employer within five (5) years from the date of termination, the member's will be returned to the Investment Plan and the account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account. The service credit for the restored service, combined with any future service credit, will be applied towards vesting of the member's account. If the member never returns to work for an FRS employer or if the member returns to FRS covered employment 5 or more years after the date of termination, the member will forfeit the unvested account balance and the associated service credit.

(b) If the member leaves FRS-covered employment after vesting in his Investment Plan account, but before the member vests in any transferred Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any distribution from his vested Investment Plan account, the unvested Pension Plan benefit transferred into the Investment Plan, plus any earnings on these funds will be forfeited along with the associated service credit. If the member is required to receive a required minimum distribution (RMD), the unvested Pension Plan benefit and the associated service credit, will not be forfeited, when the first RMD payment is received. If the member does not take a distribution from his Investment Plan account, the unvested Pension Plan benefit will be transferred to a suspense account. The suspense account is invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings. If the member returns to work for an FRS employer within five (5) years from the date of termination, the member's account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account. The service credit for the restored service, combined with any future service credit, will be applied towards vesting of the member's account.

(c) If an FRS Investment Plan Hybrid Option member leaves FRS-covered employment after vesting in his Investment Plan account, but before he vests in his Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any distribution from his vested Investment Plan account, the unvested Pension Plan benefit will be forfeited along with the

associated service credit. If the member is required to receive a required minimum distribution (RMD), the unvested Pension Plan benefit and the associated service credit, will not be forfeited, when the first RMD payment is received. If the member does not take a distribution from his Investment Plan account and later returns to work for an FRS employer, the member will be returned to the FRS Investment Plan Hybrid Option and the service credit for the existing Pension Plan and Investment Plan service, combined with any future service credit, will be applied towards vesting of the member's account.

(d) If a member's benefit and service are forfeited because the member did not return to FRS-covered employment within five (5) years, but the member later returns to FRS-covered employment after the forfeiture has occurred, the member will be returned to the plan in which he or she was participating at the time of the forfeiture. If the member's benefit and service credit in the Pension Plan are forfeited because the member took a distribution of his vested Investment Plan benefit, and the member later returns to FRS-covered employment, he will be considered a new employee and will be entitled to a new retirement plan choice during his new employee window period.

(3) Forfeitures of FRS Investment Plan accounts Due to Criminal Activity.

(a) The Florida Constitution (Section 8, Article II) and Florida statutes provide that any member of the Florida Retirement System who commits certain crimes and is found guilty by a jury or by the court hearing the case without a jury shall forfeit all rights and benefits under Chapter 121, F.S. These crimes include embezzlement or theft from his or her employer, bribery in connection with the employment, engaging in strikes as a public employee, or killing the member to receive the member's benefits. Please see Sections 112.3173 and 121.091(5), F.S. and the other statutory sections mentioned therein, since these may be changed by the Legislature.

(b) When the SBA, on behalf of the FRS Investment Plan, becomes aware of any accusation of criminal wrongdoing against any employee who is a member of the FRS Investment Plan, the SBA will put a hold on the member's account to preclude the member from removing his or her money from the account, until a determination is made on whether charges have been filed and whether the charges are for a forfeitable offense.

(c) If the charges against the member are not pursued and are dropped by law enforcement officials, the hold on the member's account will be released.

(d) If the member is indicted and convicted or pleads guilty, the SBA will acquire a certified copy of the judgment and will contact the member to advise the member that his account is forfeited and, if he wants to contest the forfeiture, he has the right to a hearing. The hold on the member's account will remain in place until.

1. The time to request a hearing has passed and no request for a hearing is made, or

2. The conclusion of the hearing and any appeal of the final order issued after the conclusion of the hearing.

(e) At the conclusion of either subparagraph (d)1. above, or (d)2. above, if the member's hearing and/or appeal is unsuccessful, the SBA will direct the Investment Plan Administrator to transfer the member's account balance to the Investment Plan Forfeiture Account.

(4) Authorized uses of the Investment Plan Trust Fund Forfeiture Account.

(a) The Investment Plan Forfeiture Account is funded with unvested account balances forfeited by members as described above in this rule and with account balances forfeited due to criminal activity as described above in this rule.

(b) Section 121.4501(13), Florida Statutes, requires that the Investment Plan be administered so as to comply with the requirements of the Internal Revenue Code in order to maintain a tax-qualified status.

(c) Pursuant to a private letter ruling from the Internal Revenue Service, the Forfeiture Account may be used for two purposes:

1. Payment of Investment Plan Administrative expenses, and

2. Reduction of future employer contributions to the Investment Plan.

(d) Consistent with Internal Revenue Service Rulings 80-155 and 74-340, unallocated reserves within the Forfeiture Account will be used as quickly and as prudently as possible considering fiduciary duty. The expected withdrawals from the Account should endeavor to reduce the Account to zero each fiscal year end.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.091(5), 121.4501(13), (20), 121.591, 744.301 FS. History—New 3-9-06, Amended _____.

19-11.009 Reemployment with an FRS-covered Employer after Retirement.

(1) Purpose: The purpose of this rule is to clarify the provisions regarding reemployment after retirement for FRS Investment Plan members.

(2)(a) A member who has terminated FRS-covered employment and has taken a distribution from his Investment Plan account is considered a retiree, as of the date of the distribution, in accordance with Section 121.4501(2)(j), F.S. As a retiree, the former member shall not be reemployed with an FRS-covered employer until he has been retired for 12 months, except under certain limitations without suspending his benefits. Any retiree member may return to employment with an FRS-covered employer after 12 months of retirement and may take distributions from prior career benefits, even

while reemployed. A retiree may work for any private employer or for any public employer who does not participate in the FRS without affecting his/her FRS retirement benefits.

(b) There are exceptions to paragraph (2)(a) above. This paragraph does not contain an exhaustive list of all possible situations. Members who are not in exactly the same circumstances as described in this paragraph should call the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Option 1, to have their situations properly analyzed.

1. A member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., may return to FRS-covered employment after being retired for one calendar month. One calendar month means the full calendar month following the month the member retired. The retiree may return to employment in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position that is not one of the exceptions allowed by law, he/she must suspend receipt of any remaining retirement benefits for the remainder of the 12 months after retirement may get up to ten percent of his account balance one calendar month following his month of termination, and he may get the balance after a total of three calendar months following his month of termination, unless he returns to FRS-covered employment, during this three-calendar-month period.

~~2. If the member in subparagraph 1, above, takes a partial distribution and then returns to work, the member will not be eligible for any further distributions until the member terminates employment from all FRS covered employers, or suspends further benefits for the remainder of the 12 months, or the first 12 months of retirement are completed.~~

~~3. A member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., one calendar month after taking a distribution.~~

2.4. A member who has not reached his normal retirement date, in accordance with Section 121.021(29), F.S., may return to FRS-covered employment in certain positions after being retired for three calendar months. "Three calendar months" means three full calendar months following the month in which the member retired. For example, if a member retires in January, the three calendar months are February, March, and April. The retiree may return to employment in May in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position which is not one of the exceptions allowed by law, he/she must suspend receipt of any remaining retirement benefits for the remainder of the 12 months after retirement.

(3) The Plan Choice Administrator must be informed whenever an FRS Investment Plan retiree returns to employment with an FRS-covered employer during the first 12 months of retirement.

(4) Any retiree employed in violation of the FRS Investment Plan reemployment limitations and any employing agency which knowingly employs or appoints such person shall be jointly and severally liable to the retirement trust fund for reimbursement of any benefits paid. To avoid liability, such employing agency must have a written statement from the retiree that he or she is not retired from a state-administered retirement system ~~can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., three calendar months after taking a distribution.~~

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.091(9)(b),(c), 121.4501(2)(j), 121.591(1)(a)4. FS. History--New 11-26-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Investment Officer; Office of Defined Contributions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the SBA

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow for monthly progress reviews.

SUMMARY: The proposed amendments to Rule 33-601.602, F.A.C., allow for monthly, rather than biweekly progress reviews, by amending Form DC6-118C, Personalized Program Plan Biweekly Progress Review.

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: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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: Jamie Jordan-Nunes, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) No change.

(2) Inmate Conduct While on Community Release.

(a) through (c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed ~~monthly~~ ~~bi-weekly~~ with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan ~~Biweekly~~ Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed on form WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) No change.

(3) through (15) No change.

(16) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (f) No change.

(g) DC6-118C, Personalized Program Plan ~~Biweekly~~ Progress Review, effective _____ ~~2-7-05~~.

(h) through (j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History--New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Hancock, Chief, Bureau of Classification and Central Records

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-3.0001	Definitions
61B-3.001	Fees, Cost of Inspections and Investigations
61B-3.008	Investigations

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the "Florida Uniform Land Sales Practices Law". The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1), 498.017 FS.

LAW IMPLEMENTED: 498.007(1), 498.011, 498.017, 498.023, 498.024, 498.025, 498.027, 498.029, 498.031, 498.033, 498.039, 498.047, 498.047(2) 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: September 2, 2008, 8:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-3.0001 Definitions.

Specific Authority 498.007(1) FS. Law Implemented 498.023, 498.024, 498.025, 498.027, 498.029, 498.031, 498.033, 498.039, 498.047 FS. History–New 2-16-93, Formerly 7D-3.0001, Amended 9-28-93, 1-26-97, 5-31-98, Repealed.

61B-3.001 Fees, Cost of Inspections and Investigations.

Specific Authority 498.007(1), 498.017 FS. Law Implemented 498.007(1), 498.011, 498.017, FS. History–New 10-8-68, Amended 12-9-69, Revised 12-17-71, Amended 12-19-74, 9-22-77, 12-24-80, 4-17-85, Formerly 7D-3.01, Amended 1-4-87, 2-16-93, Formerly 7D-3.001, Amended 9-28-93, 1-26-97, 5-31-98, Repealed.

61B-3.008 Investigations.

Specific Authority 498.007(1) FS. Law Implemented 498.047(2) FS. History–New 2-16-93, Formerly 7D-3.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-5.0022	Registration
61B-5.0026	Material Changes; Termination of Registration
61B-5.003	Financial Statements

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the "Florida Uniform Land Sales Practices Law". The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1) FS.
LAW IMPLEMENTED: 498.007, 498.017(5), 498.027, 498.029(1), 498.031, 498.033, 498.037, 498.039, 498.039(1), 498.041, 498.047 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: September 2, 2008, 8:00 a.m.
PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-5.0022 Registration.

Specific Authority 498.007(1) FS. Law Implemented 498.027, 498.029(1), 498.031, 498.033, 498.037, 498.039(1), 498.041 FS. History–New 12-24-80, Amended 4-17-85, Formerly 7D-5.022, Amended 8-20-86, 2-16-93, Formerly 7D-5.0022, Amended 1-26-97, 5-31-98, Repealed _____.

61B-5.0026 Material Changes; Termination of Registration.

Specific Authority 498.007(1) FS. Law Implemented 498.017(5), 498.033, 498.039, 498.041, 498.047 FS. History–New 12-31-80, Amended 4-17-85, Formerly 7D-5.026, Amended 8-20-86, 2-16-93, Formerly 7D-5.0026, Amended 9-28-93, 2-27-97. 5-31-98, Repealed _____.

61B-5.003 Financial Statements.

Specific Authority 498.007(1) FS. Law Implemented 498.033, 498.007 FS. History–New 12-31-80, Formerly 7D-5.03, Amended 2-16-93, Formerly 7D-5.003, Amended 5-31-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-6.001	Mortgages and Other Encumbrances
61B-6.004	Encumbrance Reports
61B-6.006	Assurances for Uncompleted Improvements/Interim Maintenance of Subdivided Lands
61B-6.010	Modification or Release of Assurances

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the “Florida Uniform Land Sales Practices Law”. The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1) FS.

LAW IMPLEMENTED: 498.017(6), 498.027, 498.039, 498.039(6), (7) 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: September 2, 2008, 8:00 a.m.
PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-6.001 Mortgages and Other Encumbrances.

Specific Authority 498.007(1) FS. Law Implemented 498.027, 498.039 FS. History—Revised 12-17-71, Amended 12-19-74, 4-14-76, 7-1-76, 9-22-77, 12-31-80, 6-9-82, Formerly 7D-6.01, Amended 8-20-86, 2-16-93, Formerly 7D-6.001, Amended 1-26-97, 6-9-98, Repealed.

61B-6.004 Encumbrance Reports.

Specific Authority 498.007(1) FS. Law Implemented 498.039(6),(7) FS. History—New 12-31-80, Amended 6-9-82, Formerly 7D-6.04, Amended 8-20-86, 2-16-93, Formerly 7D-6.004, Amended 1-26-97, 6-9-98, Repealed.

61B-6.006 Assurances for Uncompleted Improvements/Interim Maintenance of Subdivided Lands.

Specific Authority 498.007(1) FS. Law Implemented 498.027, 498.039 FS. History—New 6-9-82, Amended 4-17-85, Formerly 7D-6.06, Amended 8-20-86, 1-24-91, 2-16-93, Formerly 7D-6.006, Amended 9-28-93, 2-27-97, 6-9-98, Repealed.

61B-6.010 Modification or Release of Assurances.

Specific Authority 498.007(1) FS. Law Implemented 498.017(6), 498.039 FS. History—New 6-9-82, Amended 4-17-85, Formerly 7D-6.10, Amended 2-16-93, Formerly 7D-6.010, Amended 9-28-93, 1-26-97, 6-9-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-7.011
 RULE TITLE: Public Offering Statement

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the “Florida Uniform Land Sales Practices Law”. The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1) FS.

LAW IMPLEMENTED: 498.037 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: September 2, 2008, 8:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-7.011 Public Offering Statement.

Specific Authority 498.007(1) FS. Law Implemented 498.037 FS. History—New 12-17-71, Repromulgated 12-19-74, Amended 12-24-80, Formerly 7D-8.011, Amended 8-20-86, Formerly 7D-8.0011, 61B-8.0011, Amended 1-26-97, 5-8-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-9.0011	Identifying Designation
61B-9.003	Letter of Transmittal
61B-9.032	Standards
61B-9.036	Approval of Vacation Certificates

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the “Florida Uniform Land Sales Practices Law”. The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1) FS.

LAW IMPLEMENTED: 498.007, 498.024(1)(b), 498.035, 498.035(1), (2) 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: September 2, 2008, 8:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-9.0011 Identifying Designation.

Specific Authority 498.007(1) FS. Law Implemented 498.035 FS. History–New 12-17-71, Repromulgated 12-19-74, Formerly 7D-9.01, Amended 9-22-77, 12-31-80, Formerly 7D-9.011, 7D-9.0011, Amended 5-18-98, Repealed.

61B-9.003 Letter of Transmittal.

Specific Authority 498.007(1) FS. Law Implemented 498.035(1) FS. History–New 12-17-71, Repromulgated 12-19-74, Amended 12-31-80, 4-17-85, Formerly 7D-9.03, Amended 8-20-86, 2-16-93, Formerly 7D-9.003, Amended 1-26-97, 5-18-98, Repealed.

61B-9.032 Standards.

Specific Authority 498.007(1) FS. Law Implemented 498.007, 498.024(1)(b), 498.035 FS. History–New 12-17-71, Amended 12-19-74, 12-31-80, Formerly 7D-9.32, 7D-9.032, Amended 1-26-97, 5-18-98, Repealed.

61B-9.036 Approval of Vacation Certificates.

Specific Authority 498.007(1) FS. Law Implemented 498.035(2) FS. History–New 12-19-74, Amended 12-31-80, Formerly 7D-9.36, 7D-9.036, Amended 5-18-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-13.003	Exemption Advisory Opinions
61B-13.011	Acceptable Permanent Road Maintenance
61B-13.102	Application for Reservation Program

PURPOSE AND EFFECT: Chapter 2008-240, Laws of Florida, repealed Chapter 498, Florida Statutes, cited as the “Florida Uniform Land Sales Practices Law”. The purpose of this rulemaking is to repeal all administrative rules promulgated pursuant to the authority contained in that law.

SUMMARY: This rulemaking repeals administrative rules relating to the disposition of interests in subdivided land previously regulated under Chapter 498, Florida Statutes.

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: 498.007(1) FS.

LAW IMPLEMENTED: 498.017(7), 498.024, 498.025, 498.025(5), 498.027 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: September 2, 2008, 8:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe 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 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-13.003 Exemption Advisory Opinions.

Specific Authority 498.007(1) FS. Law Implemented 498.017(7), 498.025(5) FS. History—New 2-16-93, Formerly 7D-13.003, Amended 10-1-93, 5-18-98, Repealed.

61B-13.011 Acceptable Permanent Road Maintenance.

Specific Authority 498.007(1) FS. Law Implemented 498.025, 498.027 FS. History—New 2-16-93, Formerly 7D-13.011, Amended 10-1-93, 5-18-98, Repealed.

61B-13.102 Application for Reservation Program.

Specific Authority 498.007(1) FS. Law Implemented 498.017, 498.024 FS. History—New 2-16-93, Formerly 7D-13.102, Amended 10-1-93, 1-26-97, 5-18-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-24.006
 RULE TITLE: Economic Information

PURPOSE AND EFFECT: This rule repeal deletes the requirement that developers provide certain educational materials to tenants when a condominium is created by conversion of existing improvements. These educational materials as well as others are available to the public via the internet or in hard copy format from the division.

SUMMARY: This proposed rulemaking repeals the requirement for developers to provide certain educational materials to tenants when a condominium is created by conversion of existing improvements.

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: 718.501(1)(f), 718.614(2) FS.

LAW IMPLEMENTED: 718.501(1)(e), 718.614(2) 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: September 2, 2008, 8:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.006 Economic Information.

Specific Authority 718.501(1)(f), 718.614(2) FS. Law Implemented 718.501(1)(e), 718.614(2) FS. History—New 7-2-81, Formerly 7D-24.06, 7D-24.006, Amended 2-22-94, 7-14-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-19.004
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Purpose and effect is to amend the rule to include disciplinary guidelines for all the violations.

SUMMARY: The rule is amended to include disciplinary guidelines for all the violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	FIRST VIOLATION MINIMUM	SECOND AND SUBSEQUENT VIOLATIONS MAXIMUM
(a) Violating any provision of Section 455.227(1), 471.025 or 471.031, F.S., or any other provision of Chapter 471, F.S., or rule of the Board or Department (Sections 471.033(1)(a) and 455.227(1)(b), (q), F.S)	Reprimand and \$1,000 fine, to One (1) year suspension, two (2) years probation and \$5,000 fine Reprimand and \$1,000 fine	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation One (1) year suspension, two (2) years probation and \$5,000 fine
1. Failure to sign, seal or date documents (Section 471.025(1), F.S.)	Reprimand to one (1) year probation Reprimand	Reprimand and one (1) year probation to Revocation Reprimand and one (1) year probation
2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended (Section 471.025(2), F.S.)	No change No change	<u>Suspended license:</u> <u>Revocation and \$5,000 fine</u> <u>Revoked license: Referral to State's Attorney's office</u>
3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform (Sections 471.025(3), 455.227(1)(o), F.S., paragraphs 61G15-19.001(6)(c), (d), F.A.C.)	Reprimand, one (1) year probation and \$1,000 fine; to \$5,000 fine, one (1) year suspension and two (2) years probation Reprimand, one (1) year probation and \$1,000 fine	Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation to Revocation Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation

4. Firm practicing without certificate of authorization (Section 471.023, F.S. and subsection 61G15-19.001(3), F.A.C.)	Reprimand, \$1,000 fine to one (1) year suspension and \$5,000 fine Reprimand	Reprimand, one (1) year suspension and \$5,000 fine to Revocation
5. Failure to complete continuing education (Section 471.017(3), F.S. and Rule 61G15-22.001, F.A.C.)	Reprimand and \$1,000 fine, to Suspend until licensee demonstrates compliance Suspend until licensee demonstrates compliance	Suspend until licensee demonstrates compliance to Revocation
6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer (Sections 471.031(1)(a), (b), F.S.)	\$1,000 fine to \$5,000 fine \$1,000 fine per count	\$5,000 fine to \$10,000 fine to referral to State Attorney's Office \$5,000 fine per count
7. Presenting as his or her own the license of another (Section 471.031(1)(c), F.S.)	\$1000 fine to \$5,000 fine \$1,000 fine per count	\$5,000 fine to \$10,000 fine and referral to State Attorney's Office \$5,000 per count and revocation
8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter (Sections 471.031(1)(d), (g), F.S.)	\$1,000 fine to \$5,000 fine and suspension \$1,000 fine per count	Reprimand and \$5,000 fine to Revocation \$5,000 per count and revocation
9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Sections 471.031(1)(f) and 455.227(1)(j), F.S.)	\$1,000 fine and reprimand; to \$5,000 fine and suspension \$1,000 fine per count and reprimand	Reprimand and \$5,000 fine to Revocation \$5,000 per count and revocation
10. Having been found liable for knowingly filing a false complaint against another licensee (Section 455.227(1)(g), F.S.)	\$1,000 fine and reprimand; to \$5,000 per count and suspension \$1,000 fine per count and reprimand	Reprimand and \$5,000 fine to Revocation \$5,000 fine per count and revocation
11. Failing to report a person in violation of Chapter 455, Chapter 471, F.S., or the rules of the Board or the Department (Section 455.227(1)(i), F.S.)	Reprimand to \$5,000 fine and suspension for one (1) year Reprimand	Reprimand and \$5,000 fine to Revocation Reprimand, \$5,000 per count and suspension for one (1) year
12. Failing to perform any statutory or legal obligation (Section 455.227(1)(k), F.S.)	Reprimand to Revocation Reprimand	Reprimand to Revocation Revocation
13. Exercising influence on a client for financial gain (Section 455.227(1)(n), F.S.)	Reprimand to one (1) year suspension and \$5,000 fine Reprimand	Reprimand and \$5,000 fine to Revocation Revocation

<p>14. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)</p>	<p>\$1,000 fine and probation for one (1) year, to suspension \$1,000 fine per count and probation for one (1) year</p>	<p>Reprimand and \$5,000 fine to Revocation Revocation</p>
<p>15. Improperly interfering with an investigation or inspection or disciplinary proceeding (Section 455.227(1)(r), F.S.)</p>	<p>\$1,000 fine and probation for one (1) year; to suspension \$1,000 fine per count and probation for one (1) year</p>	<p>Reprimand and \$5,000 fine to Revocation Revocation</p>
<p>(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department (Sections 471.033(1)(b) and 455.227(1)(h), F.S.)</p>	<p>One (1) years suspension and \$1,000 fine, to Revocation if licensed; if not licensed, denial of license and referral to State Attorney Revocation and \$1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</p>	<p>Revocation and \$5,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</p>
<p>(c) Having a license to practice engineering acted against or denied by another jurisdiction (Sections 471.033(1)(c) and 455.227(1)(f), F.S.)</p>	<p>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</p>	<p>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</p>
<p>(d)1. Being convicted or found guilty of, or entering a plea of nolo contendere to a crime which relates to the practice or ability to practice (Sections 471.033(1)(d) and 455.227(1)(c), F.S.)</p>	<p>Reprimand \$1,000 fine, and one (1) year probation, to Revocation Misdemeanor: reprimand and one (1) year probation Felony: Revocation and \$1,000 fine</p>	<p>One (1) year suspension with 2 years probation to Revocation Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</p>
<p>2. Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a), F.A.C.)</p>	<p>Reprimand \$1,000 fine, and one (1) year probation Misdemeanor: reprimand and one (1) year probation Felony: Revocation and \$5,000 fine</p>	<p>One (1) year suspension with 2 years probation to Revocation Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</p>
<p>(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing (Sections 471.033(1)(e), 455.227(1)(l), F.S. and paragraph 61G15-19.001(7)(c), F.A.C.)</p>	<p>Reprimand and \$1,000 fine to one (1) year suspension, two (2) years probation One (1) year suspension, two (2) years probation, \$1,000 fine</p>	<p>One (1) year suspension, 2 years probation, and \$1,000 fine, to Revocation and \$5,000 fine Revocation and \$5,000 fine</p>

(f) Fraudulent, false, deceptive or misleading advertising (Sections 471.033(1)(f), F.S. and subsection 61G15-19.001(2), F.A.C.)	<u>Reprimand to one (1) year probation and \$5,000 fine</u> Reprimand	<u>One (1) year probation and \$5,000 fine to Revocation</u> Reprimand, one (1) year probation and \$5,000 fine
(g) Fraud, deceit, negligence, incompetence or misconduct (Sections 471.033(1)(g) and 455.227(1)(a), (m), F.S.)		
1. Fraud or deceit	<u>Reprimand, two (2) years probation and \$1,000 fine, to one (1) years suspension and \$5,000 fine</u> Reprimand, two (2) years probation and \$1,000 fine	<u>One (1) year suspension and \$5,000 fine to Revocation</u> \$5,000 fine and revocation
2.a. Negligence (subsection 61G15-19.001(4), F.A.C.)	<u>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine, five (5) year suspension and ten (10) years probation</u> Reprimand, two (2) years probation and \$1,000 fine	<u>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation</u> Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation
b. As a special inspector	<u>Reprimand, two (2) years probation and \$1,000 fine, to \$5,000 fine</u> Reprimand, two (2) years probation and \$1,000 fine	<u>Two (2) years probation and \$1,000 fine, to \$5,000 fine and Revocation</u> Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation or revocation
3. Incompetence (subsection 61G15-19.001(5), F.A.C.)	<u>Two (2) year probation to Suspension until ability to practice proved followed by two (2) year probation</u> Suspension until ability to practice proved followed by probation	<u>Suspension until ability to practice proved followed by two (2) year probation, to Revocation</u>
4. Misconduct (subsection 61G15-19.001(6), F.A.C.)	<u>Reprimand and \$1,000 fine to one (1) year suspension</u> \$1,000 fine per count and reprimand	<u>One (1) year suspension to Revocation and \$5,000 fine</u> Revocation
a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion (paragraph 61G15-19.001(6)(a), F.A.C.)	<u>Reprimand and \$1,000 fine to one (1) year suspension</u> Reprimand and \$1,000 fine per count	<u>One (1) year suspension to Revocation and \$5,000 fine</u> Revocation
b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion (paragraph 61G15-19.001(6)(b), F.A.C.)	<u>Reprimand and \$1,000 fine to one (1) year suspension</u> Reprimand and \$1,000 fine per count	<u>One (1) year suspension to Revocation and \$5,000 fine</u> Revocation

<p>c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies (paragraph 61G15-19.001(6)(e), F.A.C.)</p>	<p>Reprimand, \$5,000 fine per count and suspension for five (5) years, to Revocation \$5,000 fine per count and suspension for five (5) years</p>	<p>Five (5) years suspension to Revocation Revocation</p>
<p>d. Soliciting or accepting gratuities without client knowledge (paragraphs 61G15-19.001(6)(g), (h), F.A.C.)</p>	<p>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation and \$5,000 fine Reprimand, one (1) year probation and \$1,000 fine</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</p>
<p>e. Failure to preserve client's confidence (paragraph 61G15-19.001(6)(r), F.A.C.)</p>	<p>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer) Reprimand, one (1) year probation and \$1,000 fine</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)</p>
<p>f. Professional judgment overruled by unqualified person (paragraph 61G15-19.001(6)(i), F.A.C.)</p>	<p>Reprimand, one (1) year probation and \$1,000 fine, to one (1) year suspension, two (2) years probation and \$5,000 fine Reprimand, one (1) year probation and \$1,000 fine</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</p>
<p>g. Use of name/firm in fraudulent venture (paragraph 61G15-19.001(6)(k), F.A.C.)</p>	<p>Reprimand, one (1) year probation and \$1,000 fine, to \$5,000 fine, one (1) year suspension and two (2) years probation Reprimand, one (1) year probation and \$1,000 fine</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</p>
<p>h. Undisclosed conflict of interest (paragraphs 61G15-19.001(6)(f), (p), F.A.C.)</p>	<p>Reprimand, \$1,000 fine and two (2) years probation, to Revocation and \$5,000 fine Reprimand, \$1,000 fine and two (2) years probation</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation Revocation and \$5,000 fine</p>
<p>(h) Violating any provision of Chapter 455, F.S. (Sections 471.033(1)(h) and 455.227(1)(q), F.S.)</p>	<p>Reprimand and \$1,000 fine per count, to \$5,000 fine and revocation Reprimand and \$1,000 fine per count</p>	<p>One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation \$5,000 fine per count and revocation</p>

(i) Practicing on a revoked, suspended, inactive or delinquent license (Sections 471.033(1)(i) and 471.031(1)(e), F.S.)		
1. Delinquent license	Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice <u>Reprimand</u>	Revocation
2. Inactive license	Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice	
3. Suspended license	Revocation and \$1,000 fine <u>Revocation and \$1,000 fine</u>	
4. Revoked license	Referral to State Attorney <u>Referral to State Attorney</u>	<u>Referral to State Attorney</u>
(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control (Section 471.033(1)(j), F.S. and paragraphs 61G15-19.001(6)(j), (q), F.A.C.)	Reprimand, one (1) year probation and \$1,000 fine, to \$5,000 fine, one (1) year suspension and two (2) years probation <u>Reprimand, one (1) year probation and \$1,000 fine</u>	One (1) year suspension, two (2) years probation and \$5,000 fine to Revocation <u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
(k) Violating any order of the board or department (Sections 471.033(1)(k), 455.227(1)(q), F.S. and paragraph 61G15-19.001(6)(o), F.A.C.)	Suspension until compliant with the order of the Board and \$1,000 fine, to Revocation and \$5,000 fine <u>Suspension and \$1,000 fine</u>	Suspension until compliant with the order of the Board and \$1,000 fine, to Revocation and \$5,000 fine <u>Revocation and \$5,000 fine</u>
(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S. (Section 455.227(1)(j), F.S.)	\$1,000 fine and probation for one (1) year, to \$5,000 fine and suspension <u>Reprimand and \$1,000 fine per count</u>	Reprimand and \$5,000 fine to Revocation <u>\$5,000 fine per count and revocation</u>

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, 11-21-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 7, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NO.: 61H1-27.002
RULE TITLE: Concentrations in Accounting and
Business

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the classes required for the degree to have a concentration in accounting and business, and as required to be eligible for licensure.

SUMMARY: The classes required for the degree for a concentration in accounting and business will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.304, 473.306 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: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.002 Concentrations in Accounting and Business.

(1) ~~For The~~ purposes of Section 473.306, F.S., if application for the Uniform CPA Examination ~~was~~ ~~is~~ made prior to August 2, 1983, an applicant must have a baccalaureate degree from an accredited college or university with a major in accounting, or its equivalent, with a concentration in accounting and business subjects. A concentration in accounting and business is defined as an educational program that includes at least 18 semester hours or 27 quarter hours, or the equivalent, in accounting education above elementary (principles of) accounting and 27 semester or 40 quarter hours, or the equivalent, in general business education. In order to meet the provisions of Section 473.306, F.S., the application must ~~have been~~ ~~be~~ filed, completed and approved and show on its face that all educational and other requirements ~~were~~ ~~have~~ ~~been~~ met prior to August 2, 1983.

(2) For purposes of Section 473.306, F.S., if application for licensure is made after August 1, 1983, an applicant must have at least a baccalaureate degree, or its equivalent, from an accredited college or university with a major in accounting, or its equivalent, plus at least 30 semester hours or 45 quarter hours, or the equivalent from an accredited college or university. These additional hours shall be in excess of those required for the baccalaureate degree such that the applicant's including a total education program shall include at least 150 total semester hours or 200 quarter hours or their equivalent with a concentration in accounting and business as follows:

(a) 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 36 semester or 54 quarter hours in accounting (internship courses must be taken in conjunction with other traditional coursework at an institution and must appear on the transcript). Further, any remaining internship credit if otherwise acceptable would be applied to the general business requirement, and

(b) No change.

(3) To be eligible to take the licensure examination, an applicant shall have completed 120 semester or 160 quarter hours as follows:

(a) 24 semester or 36 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 24 semester or 36 quarter hours in accounting (internship courses must be taken in conjunction with other traditional coursework at an institution and must appear on the transcript). Further, any remaining internship credit if otherwise acceptable would be applied to the general business requirement, and

(b) 24 semester or 36 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which include coverage of the uniform commercial code, contracts and torts. Vocational and clerical type courses will not count either toward the accounting requirement set forth in subsection 61H1-27.002(2), F.A.C., or this general business education requirement. Specialized industry courses will be acceptable as general business courses but not as accounting courses unless as defined in subsection 61H1-27.002(2), F.A.C., unless they have an accounting prefix, further such courses in order to qualify must be certified by the chairman of the school or college's accounting department as qualifying for general business credit. Written or oral communication courses will qualify for the general business requirement if they have a business or accounting prefix or if they are reflected in the

catalog in the school or college as relating directly to the school or college's business or accounting requirements. A maximum of 9 semester hours (13 quarter hours) of computer courses and 6 upper division semester hours (8 quarter hours) of statistics courses will be accepted for purposes of meeting the general business requirement.

~~(4)(3)~~ For purposes of this rule, upper division accounting hours other than elementary above the minimum requirement may be substituted for general business hours. Elementary accounting subjects shall not be accepted as general business education. Elementary accounting subjects include principles of financial and managerial accounting courses even if they are covered in a three course sequence, are titled "introductory," "fundamentals" or "principles" and even if they are offered at the graduate level. All accounting courses and not less than 21 semester or 32 quarter hours of general business courses must be at the upper division level. For the purpose of paragraph 61H1-27.002(2)(b), F.A.C., all general business courses, including accounting courses in excess of the 36 hours required, must be taken at the upper division level, except for Introductory Macro and Micro Economics, three semester hours of the six required in Business Law, Introductory Statistics, Introduction to Computer Information Systems, and any written or oral communication course described in paragraph 61H1-27.002(2)(b), F.A.C. Lower level general business courses, other than those listed above, posted to transcripts after August 31, 1989 will not count. Standardized tests, such as CLEP ~~courses~~, are not acceptable for accounting or general business courses; however, advanced placement (AP) courses will be counted if the applicant has been granted college credit for those AP courses by their degree-granting institution.

(a) through (b) No change.

~~(5)(4)~~ Re-applicants whose original application for the CPA examination was approved prior to August 2, 1983 may elect to satisfy subsection 61H1-27.002(1), F.A.C.

~~(6)(5)~~ For purposes of subsection 61H1-27.002(2), F.A.C., and Section 473.306, F.S., a baccalaureate degree will not be considered as meeting the statutory requirement for a major in accounting or its equivalent unless all credit hours accepted by the college or university as part of the degree requirement are listed as courses in the catalogues of all institutions attended.

~~(7)(6)~~ If an applicant takes duplicate courses, only one of these courses will be counted. For purposes of this rule, all CPA Examination Review courses will be deemed to be duplicate courses.

(a) Courses will be considered duplicated if they cover a substantially equivalent professional area of knowledge even if separated by a span of time and even if some of the professional, technical and/or legal issues have been changed or modified.

(b) Regarding CPA Review courses, by definition these courses cover material already studied. Accordingly, no exception will be made to consider a CPA Review course non-duplicative, regardless of statements by applicants, professors, or academic administrators that additional topics are covered or the material covered only superficially in prior courses is covered in more detail in a "review" course.

~~(8)(7)~~ Individuals who have graduated from accounting programs approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy and whose educational degrees are from accredited institutions as set forth in subsection 61H1-27.001(1), F.A.C., shall be deemed to have met the requirements set forth in subsections 61H1-27.002(1)-(3), F.A.C.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History--New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, 1-31-05, 5-24-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Accountancy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 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 NO.: 62-304.300
RULE TITLE: St. Marks Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms in Munson Slough.

SUMMARY: These TMDLs address fecal impairment in Munson Slough, which was verified as impaired by fecal coliforms using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The percent reduction method was used to develop the fecal coliform TMDL.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 5, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.300 St. Marks River Basin TMDLs.

Munson Slough TMDLs. Munson Slough TMDL for Fecal Coliform. The Total Maximum Daily Load for Munson Slough is 400 counts/100mL for fecal coliform, and is allocated as follows:

(1) The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2006 period, will require a 31.6 percent reduction at sources contributing to exceedances of the criteria at Roberts Ave., and for the 2006 period, will require a 96.9 percent reduction at sources contributing to exceedances of the criteria at Springhill Road, and for the 1992 to 2007 period, will require a 91.5 percent reduction at sources contributing to exceedances of the criteria at Capital Circle S.W.

(2) The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on

the measured concentrations from the 2006 period, will require a 31.6 percent reduction at sources contributing to exceedances of the criteria at Roberts Ave., and for the 2006 period, will require a 96.9 percent reduction at sources contributing to exceedances of the criteria at Springhill Road, and for the 1992 to 2007 period, will require a 91.5 percent reduction at sources contributing to exceedances of the criteria at Capital Circle S.W.

(3) The Margin of Safety is implicit.

(4) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary Regulatory Programs and Energy, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-304.305
RULE TITLE: Ochlockonee Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for dissolved oxygen and fecal coliform for Juniper Creek, fecal coliform for Black Creek and fecal coliform for Swamp Creek.

SUMMARY: This TMDL addresses dissolved oxygen impairment in Juniper Creek, which was verified as impaired for low dissolved oxygen, and fecal coliform impairments in Juniper Creek, Black Creek, and Swamp Creek using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. The reference waterbody method was used to develop the dissolved oxygen TMDL. The percent reduction method was used to develop the fecal coliform TMDLs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 5, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, 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: Ms. Pat Waters at (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.305 Ochlockonee River Basin TMDLs.

(1) Telogia Creek Planning Unit. Juniper Creek TMDLs.

(a) Juniper Creek TMDL for Dissolved Oxygen. The Total Maximum Daily Load for Juniper Creek is based on achieving the Class 3 fresh water minimum dissolved oxygen criterion of 5.0 mg/L, and is allocated as follows:

1. The Wasteload Allocation (WLA) for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the total nitrogen (TN) criteria which, based on the measured concentrations from the 1979 to 2006 period, will require a 18.18 percent reduction at sources contributing to exceedances of the criteria.

2. The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the the total nitrogen (TN) criteria which, based on the measured concentrations from the 1979 to 2006 period, will require a 18.18 percent reduction at sources contributing to exceedances of the criteria, and

3. The Margin of Safety is implicit.

4. While the LA and WLA for dissolved oxygen has been expressed as the percent reduction needed to attain the applicable Class III criteria, it is not the intent of the TMDL to abate natural background conditions.

(b) Juniper Creek TMDL for Fecal Coliform. The Total Maximum Daily Load for Juniper Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

1. The Wasteload Allocation for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2007 period, will require a 48.1 percent reduction at sources contributing to exceedances of the criteria.

2. The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2007 period, will require a 48.1 percent reduction at sources contributing to exceedances of the criteria, and

3. The Margin of Safety is implicit.

4. While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(2) South Ochlockonee River Planning Unit. Black Creek TMDLs. The Total Maximum Daily Load for the freshwater segment of Black Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, there currently are no NPDES point sources located in Black Creek,

(b) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2007 period, will require a 39.6 percent reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(3) North Ochlockonee River Planning Unit. Swamp Creek TMDLs. The Total Maximum Daily Load for Swamp Creek is 400 counts/100mL for fecal coliform, and is allocated as follows:

(a) The Wasteload Allocation for discharges subject to the Department's National Pollutant Discharge Elimination System Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2007 period, will require a 69.2 percent reduction at sources contributing to exceedances of the criteria.

(b) The Load Allocation for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 1992 to 2007 period, will require a 69.2 percent reduction at sources contributing to exceedances of the criteria, and

(c) The Margin of Safety is implicit.

(d) While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary Regulatory Programs and Energy, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-304.810	Everglades West Coast Basin TMDLs

PURPOSE AND EFFECT: The purpose of the rule is to adopt Total Maximum Daily Loads (TMDLs), and their allocations, for fecal coliforms (Hendry Creek Marine and the Cocohatchee River), total nitrogen (Hendry Creek, Imperial River, Gordon River Extension, and Lake Trafford), and total phosphorus (Lake Trafford).

SUMMARY: These TMDLs address fecal coliform, dissolved oxygen (DO), un-ionized ammonia, and/or nutrient impairments in these Everglades West Coast waterbodies. These waterbodies were verified as impaired by fecal coliforms, total nitrogen (TN), and/or total phosphorus using the methodology established in Chapter 62-303, F.A.C., Identification of Impaired Surface Waters. For the DO TMDLs, water quality targets were identified by either using the TN concentration of local reference water bodies after establishing a relationship between DO and TN concentrations or, in the case of Lake Trafford, by developing regression relationships and using a computer model to simulate the hydrology and water quality. The percent reduction method was used to develop the fecal coliform TMDLs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Department has not prepared a Statement of Estimated Regulatory Cost (SERC) for this proposed Rule.

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, 403.067 FS.

LAW IMPLEMENTED: 403.061, 403.062, 403.067 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: September 5, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Bob Martinez Center, 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: Pat Waters, (850)245-8449. 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: Jan Mandrup-Poulsen, Division of Environmental Assessment and Restoration, Bureau of Watershed Management, Mail Station 3555, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8448

THE FULL TEXT OF THE PROPOSED RULE IS:

62-304.810 Everglades West Coast Basin TMDLs.

(1) Estero Bay Planning Unit.

(a) Hendry Creek Marine TMDLs.

1. Hendry Creek Marine TMDL for Fecal Coliform. The Total Maximum Daily Load is 400 counts/100 ml and is allocated as follows:

a. The Wasteload Allocation (WLA) for wastewater point sources is not applicable.

b. The WLA for discharges subject to the Department's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 57.4 percent reduction at sources contributing to exceedances of the criteria.

c. The Load Allocation (LA) for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 57.4 percent reduction at sources contributing to exceedances of the criteria.

d. The Margin of Safety is implicit.

e. While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class III criteria, it is the combined reductions from both anthropogenic point and nonpoint sources that will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

2. Hendry Creek Marine Dissolved Oxygen TMDL. The Total Maximum Daily Loads to address the low dissolved oxygen condition is an annual median Total Nitrogen (TN) of 0.6 mg/L in Hendry Creek Marine, and is allocated as follows:

a. The WLA for wastewater point sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 44 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period.

c. The LA for nonpoint sources is a 44 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period, and

d. The Margin of Safety is implicit.

(b) Hendry Creek TMDLs. Hendry Creek Dissolved Oxygen TMDL. The Total Maximum Daily Load to address the low dissolved oxygen condition is an annual median TN of 0.6 mg/L in Hendry Creek, and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 44 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period.

3. The LA for nonpoint sources is a 44 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period, and

4. The Margin of Safety is implicit.

(c) Imperial River TMDLs. The Imperial River Dissolved Oxygen TMDL. The Total Maximum Daily Loads to address the low dissolved oxygen condition is an annual median total nitrogen of 0.74 mg/L in the Imperial River, and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 24.9 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period.

3. The LA for nonpoint sources is a 24.9 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period, and

4. The Margin of Safety is implicit.

(2) Southwest Coast Planning Unit.

(a) The Cochatchee River TMDLs. The Cochatchee River Fecal Coliform TMDL. The Total Maximum Daily Load is 43 counts/100 ml and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 65 percent reduction at sources contributing to exceedances of the criteria.

3. The LA for nonpoint sources is to address anthropogenic sources in the basin such that in-stream concentrations meet the fecal coliform criteria which, based on the measured concentrations from the 2000 to 2007 period, will require a 65 percent reduction at sources contributing to exceedances of the criteria.

4. The Margin of Safety is implicit.

5. While the LA and WLA for fecal coliform have been expressed as the percent reductions needed to attain the applicable Class II criteria, the combined reductions from both anthropogenic point and nonpoint sources will result in the required reduction of in-stream fecal concentration. However, it is not the intent of the TMDL to abate natural background conditions.

(b) The Gordon River Extension TMDLs. The Gordon River Extension Dissolved Oxygen TMDL. The Total Maximum Daily Loads to address the low dissolved oxygen condition is an annual median TN of 0.74 mg/L in the Gordon River Extension, and is allocated as follows:

1. The WLA for wastewater point sources is not applicable.

2. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 29 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period.

3. The LA for nonpoint sources is a 29 percent reduction of current anthropogenic TN loading based on measured concentrations from the 2000 to 2007 period, and

4. The Margin of Safety is implicit.

(c) Lake Trafford TMDLs.

1. The Lake Trafford Dissolved Oxygen TMDL. The Total Maximum Daily Load for Lake Trafford is based on achieving the Class 3 minimum dissolved oxygen criterion of 5.0 mg/L, and is allocated as follows:

a. The WLA for wastewater point sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 60 percent reduction of current anthropogenic TN loading, and a 77 percent reduction of current anthropogenic total phosphorus (TP) loading based on measured concentrations from the 2000 to 2007 period.

c. The LA for nonpoint sources is a 60 percent reduction of current anthropogenic TN loading, and a 77 percent reduction of current anthropogenic TP loading based on measured concentrations from the 2000 to 2007 period, and

d. The Margin of Safety is implicit.

2. The Lake Trafford Nutrient TMDL. The Lake Trafford nutrient TMDL is based on meeting a maximum Trophic State Index (TSI) of 60, and is allocated as follows:

a. The WLA for wastewater point sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 60 percent reduction of current anthropogenic TN loading, and a 77 percent reduction of current anthropogenic TP loading based on measured concentrations from the 2000 to 2007 period.

c. The LA for nonpoint sources is a 60 percent reduction of current anthropogenic TN loading, and a 77 percent reduction of current anthropogenic TP loading based on measured concentrations from the 2000 to 2007 period, and

d. The Margin of Safety is implicit.

3. The Lake Trafford Un-ionized Ammonia TMDL. The Lake Trafford un-ionized ammonia TMDL is based on meeting a maximum concentration of 0.02 mg/L, and is allocated as follows:

a. The WLA for wastewater point sources is not applicable.

b. The WLA for discharges subject to the Department's NPDES Municipal Stormwater Permitting Program is a 60 percent reduction of current anthropogenic TN loading, based on measured concentrations from the 2000 to 2007 period.

c. The LA for nonpoint sources is a 60 percent reduction of current anthropogenic TN loading, based on measured concentrations from the 2000 to 2007 period, and

d. The Margin of Safety is implicit.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.061, 403.062, 403.067 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Drew Bartlett, Deputy Director, Division of Environmental Assessment and Restoration

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary Regulatory Programs and Energy, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-305.100	Scope of the Rule
62-305.200	Definitions
62-305.300	General Program Information
62-305.400	Project Selection Criteria
62-305.900	Forms

PURPOSE AND EFFECT: Chapter 62-305, F.A.C., is created to establish procedures and ranking criteria for the selection of urban stormwater retrofitting projects that will receive cost-share funding from the Department through a TMDL Water Quality Restoration Grant.

SUMMARY: Chapter 2005-291, Laws of Florida, created Section 403.890, F.S. The Water Protection and Sustainability Program, which included funding for the implementation of best management practices and capital project expenditures for urban nonpoint source pollutant load reduction projects needed to achieve TMDL goals. Section 403.890(1)(b), F.S., authorizes the Department to use these funds for cost-share grants and to adopt rules governing the distribution of the funds. Furthermore, the statute also provides that the funds shall not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas.

Chapter 62-305, F.A.C., establishes definitions, procedures to apply for a grant, matching fund requirements, and project selection ranking factors. Project selection ranking factors include the status of the impaired water, the projected stormwater load reduction, the percentage of local matching funds, the project cost effectiveness, the inclusion of public

education components, and whether the applicant has established a dedicated funding source for stormwater management, thereby providing an assurance for the availability of matching funds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory costs has not been prepared on this rule. This rule establishes a grant program to provide applicants, primarily local governments, with state cost-share dollars to construct urban stormwater treatment systems to reduce pollutant loads discharged to impaired waters.

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: 201.15(8), 403.890(1)(b) FS.

LAW IMPLEMENTED: 201.15(8), 403.890(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 RULES IS: Wanda Harpley, Florida Department of Environmental Protection, Bureau of Watershed Restoration, 2600 Blair Stone Road, MS 3510, Tallahassee, FL 32399-2400, telephone (850)245-8433, or e-mail: Wanda.harpley@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department's Internet site at: http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm (OGC No. 08-0815)

THE FULL TEXT OF THE PROPOSED RULES IS:

TOTAL MAXIMUM DAILY LOAD WATER QUALITY RESTORATION GRANTS

62-305.100 Scope of the Rule.

(1) Florida's Total Maximum Daily Load (TMDL) Water Quality Restoration Grant program is authorized by Sections 201.15(8) and 403.890(1)(b), F.S., directing the Department to fund the implementation of best management practices, such as regional stormwater treatment facilities, to reduce pollutant loads to impaired waters from urban stormwater discharges. The statutes also authorize the Department to fund research and demonstration of best management practices to reduce pollutant loads from urban nonpoint sources of pollution, especially urban stormwater.

(2) This rule sets forth the procedures governing the distribution of funding from this program.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New _____.

62-305.200 Definitions.

For purposes of this rule chapter:

(1) "Applicant" means a local government or water management district.

(2) "Best management practice or BMP" means a control technique that is used for a given set of conditions to reduce urban stormwater pollutant loads in a cost effective manner.

(3) "Local government" means a municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing acting jointly in connection with a project and having jurisdiction over the discharge of untreated stormwater to impaired waters.

(4) "Project" means the implementation of best management practices to retrofit urban drainage systems to reduce pollutant loads discharged to impaired waters.

(5) "Project costs" means costs for land acquisition, design, permitting, construction, effectiveness monitoring, procurement of equipment and materials, contingency, and the legal and technical services associated with the implementation of best management practices and a TMDL Water Quality Restoration grant.

(6) "Pollutant of concern" means the pollutant or pollutants that have been identified as causing the impairment of a water body pursuant to the process set forth in Chapter 62-303, F.A.C.

(7) "Stormwater retrofitting" means the implementation of best management practices to reduce urban stormwater pollutant loads from existing drainage systems or from lands without stormwater treatment that discharge into impaired waters or an existing drainage system.

(8) "Water management district" means any one of the five water management districts created by Section 373.069, F.S.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New _____.

62-305.300 General Program Information.

(1) An applicant may apply for a TMDL Water Quality Restoration Grant by completing a TMDL Water Quality Restoration Grant Proposal Application, Form 62-305.900.

(2) Grant applications may be submitted at any time throughout the year. The Department will review and rank projects three times a year, in March, July, and November. Projects will be selected for grant funding based on these rankings and the availability of funding. Projects not selected for funding will remain in the pool of projects that will be ranked for one year from the date of submittal. Applicants will be notified within 30 days after the review and ranking process whether their project has been selected for grant funding. Once notified of selection, the applicant must provide the Department with a final scope of work and budget so that the Department may develop and execute a grant agreement with the applicant. The number of projects selected for funding during any review and ranking cycle will depend on the availability of funding from the Legislature.

(3) Match requirements. The applicant for a TMDL Water Quality Restoration Grant shall provide a minimum of 50% of the total project cost in matching funds. At least 25% of the matching funds shall be provided by the local government. Other matching funds can include funding from a water management district or state appropriations. However, applicants shall not match TMDL grant funds with local funds that are used to match water management district funds or state appropriations.

(4) Allowable project costs. Grant funds may only be used for construction of best management practices, monitoring to determine pollutant load reductions, or public education activities specifically associated with the project. Costs incurred before execution of a contract between the Department and the grant recipient shall be ineligible for reimbursement from grant funds. However, such costs may be included as matching funds. These costs may include, but are not limited to, costs incurred for land acquisition, design, permitting, bidding, project administration and other activities directly associated with the project.

(5) Project schedule. Projects for which TMDL Water Quality Restoration grant funds are sought shall at least be at the 60% design phase. The Department shall not issue a TMDL Water Quality Restoration Grant until the project has been permitted or the permit has been scheduled for approval at the next meeting of the water management district governing board or Department. Construction of projects selected for funding must be completed within three years of appropriation of the funds by the Legislature unless the funding can be certified forward beyond that timeframe in accordance with state budgeting procedures.

(6) Load reduction estimates. All applications for project funding shall include an estimate of the projected load reductions to be achieved by implementation of the stormwater treatment best management practices. Estimated load reductions may be calculated using models such as Watershed Management Model (WMM, 2006), Nonpoint Source Loading Management Model (NPSLMM, 2008) and Spreadsheet Tool for Estimating Pollutant Load (STEPL, 2007). The STEPL model is available for download at <http://it.tetrattech-ffx.com/step1/> while the other models are available on the TMDL Grant internet site, http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm.

(7) Effectiveness monitoring. All projects will include storm event monitoring to determine the actual load reduction associated with implementation of the stormwater treatment best management practices unless such data already exists for the applicable best management practice. The applicant shall be required to put all data from the effectiveness monitoring and required project information into the Department's Best Management Practice (BMP) Data Base.

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New _____.

62-305.400 Project Selection Criteria.

(1) Projects will be selected for funding using the ranking criteria below and the status of the project with respect to design, permitting, and construction.

(2) Eligible urban stormwater treatment projects will be ranked for TMDL Water Quality Restoration grant funding based on the priority scoring system set forth below. The maximum number of points for any single project is 490.

(a) Status of impaired water body.

1. The project is identified in an adopted basin management action plan. (100 points).

2. The project reduces loadings to an impaired water body with an adopted TMDL. (75 points).

3. The project reduces loadings to a water body on the adopted verified list of impaired waters. (50 points).

4. The project reduces loadings to a water body on the planning list of impaired waters. (20 points).

5. The project reduces loadings to a water body on the TMDL 1999 consent decree (Florida Wildlife Federation, Inc., Environmental Federation of Southwest Florida, Inc., and Save Our Creeks, Inc. v. Carol M. Browner, Administrator, U.S. Environmental Protection Agency and the U. S. Environmental Protection Agency, Civil Action File No. 4: 98CV356-WS). (10 points).

(b) Stormwater load reduction of the pollutant of concern.

The project will reduce urban stormwater loads by the percentages set below:

1. Loads are reduced by 80 to 100% (100 points).

2. Loads are reduced by 60 to 79% (75 points).

3. Loads are reduced by 40 to 59% (50 points).

4. Loads are reduced by 20 to 39% (30 points).

5. Loads are reduced by 0 to 19% (10 points).

(c) Percentage of local matching funds.

All projects must provide at least 50% matching funds. Points for local matching funds constitute the following percentage of total project costs:

1. Matching funds are greater than 50% (80 points).

2. Matching funds between 41% to 50% (60 points).

3. Matching funds between 31% to 40% (40 points).

4. Matching funds between 26% to 30% (20 points).

5. Matching funds are less than 25% (0 points).

(d) Project cost effectiveness. To provide consideration of the number of urban acres that are being treated by the project and the cost per pound to reduce the pollutant of concern, the scoring system below is established. Points are awarded based on the scoring point system below only if one nutrient is a pollutant of concern. Points are awarded based on the average score from below if both nitrogen and phosphorus are pollutants of concern. Cost percentiles are based on the information from existing TMDL Water Quality Restoration Grants. The dollar amounts associated with cost percentiles will be recalculated on an annual basis using the information in

the TMDL Water Quality Restoration Grant data base, available on the program's internet site. These dollar amounts will be posted on the internet site by January 31 of each year.

1. Cost per pound of Total Nitrogen removed per acre is in the lowest 20th percentile of project costs (100 Points).
2. Cost per pound of Total Nitrogen removed per acre is in the 20th to 40th percentile of project costs (75 Points).
3. Cost per pound of Total Nitrogen removed per acre is in the 40th to 60th percentile of project costs (50 Points).
4. Cost per pound of Total Nitrogen removed per acre is in the 60th to 80th percentile of project costs (25 Points).
5. Cost per pound of Total Nitrogen removed per acre is in the 80th to 100th percentile of project costs (10 Points).
6. Cost per pound of Total Phosphorus removed per acre is in the lowest 20th percentile of project costs (100 Points).
7. Cost per pound of Total Phosphorus removed per acre is in the 20th to 40th percentile of project costs (75 Points).
8. Cost per pound of Total Phosphorus removed per acre is in the 40th to 60th percentile of project costs (50 Points).
9. Cost per pound of Total Phosphorus removed per acre is in the 60th to 80th percentile of project costs (25 Points).
10. Cost per pound of Total Phosphorus removed per acre is over in the 80th to 100th percentile of project costs (10 Points).

(e) Educational component. The project includes components to educate targeted audiences about the use of stormwater treatment best management practices to reduce pollutant loads, such as signage, kiosks, field days, workshops, and training programs. Solely notifying the public of the project through news releases or other public relations efforts does not constitute an education program. Points will be awarded as follows:

1. The educational component consists of kiosks with information on stormwater pollution and treatment at the project site, conducting at least one workshop or field day at the project site, airing public service announcements about stormwater pollution and treatment, and the distribution of printed materials to people within the drainage area served by the project to educate them about how they can reduce stormwater pollution (30 points).
2. The educational component consists of kiosks with information on stormwater pollution and treatment at the project site and at least one other of the activities listed in number one, above (20 points).
3. The educational component consists of the distribution of printed materials to people within the drainage area served by the project to educate them about how they can reduce stormwater pollution (10 points).

(f) Dedicated stormwater funding. If the applicant is a local government or water control district, points will be awarded based on whether they have implemented a dedicated source for stormwater program and project funding. If the

dedicated funding source is other than a stormwater utility fee, such as a Municipal Services Taxing Unit (MSTU), a Municipal Services Benefit Unit (MSBU), or a sales tax that is dedicated to stormwater management projects, the applicant shall convert annual costs into a single family monthly Equivalent Rate Unit (ERU). Points will be awarded as follows:

1. No stormwater utility fee or other dedicated funding source (0 points).
2. Stormwater utility fee or other dedicated funding source where the single family residence fee is less than \$4.30/month (40 points).
3. Stormwater utility fee or other dedicated funding source where the single family residence fee is greater than \$4.30/month (80 points).

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New _____.

62-305.900 Forms.

The application used by the Department for TMDL Water Quality Restoration Grants, "TMDL Water Quality Restoration Grant Proposal Application," is adopted and incorporated by reference in this section. Copies of form may be obtained from the TMDL Water Quality Grant Restoration internet site at http://www.dep.state.fl.us/water/watersheds/tmdl_grant.htm, from any local district or branch office of the Department, or by writing to the Florida Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road (MS3510), Tallahassee, FL 32399:

TMDL Water Quality Restoration Grant Proposal Application, [Effective Date].

Specific Authority 201.15(8), 403.890(1)(b) FS. Law Implemented 201.15(8), 403.890(1)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Brooks, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Regulatory Programs and Energy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2008

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.005 RULE TITLE: Continuing Education Requirements After Initial Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to update time limits for licensees to obtain their initial continuing education requirements.

SUMMARY: A time limit for obtaining initial continuing education requirements will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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, 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013, 461.005, 461.007(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.005 Continuing Education Requirements After Initial Licensure.

During the first biennium or within twelve (12) months of initial licensure, whichever ends later, practitioners are required to obtain five (5) hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. The practitioner is then exempt from any other continuing education requirements for his or her first renewal except for hours mandated for prevention of medical errors and HIV/AIDS.

Specific Authority 456.013, 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013, 461.005, 461.007(3) FS. History--New 11-29-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2008

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-23.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to repeal the rule.

SUMMARY: The rule will be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 461.005 FS.

LAW IMPLEMENTED: 461.003(5) 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-23.001 Definitions.

~~(1) The term "human leg," as used in Section 461.003(5), Florida Statutes, means the entire lower extremity, extending from the head of the femur to the foot, but does not include the hip joint.~~

~~(2) The term "surgical treatment," as used in Section 461.003(5), Florida Statutes, means a distinctly operative kind of treatment, such as a cutting operation. As such, injections, x-rays, and other medical, palliative, and mechanical diagnostic techniques and treatments are not surgery.~~

Specific Authority 461.005 FS. Law Implemented 461.003(5) FS. History--New 4-24-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 18, 2008

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.018
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Program intends through this rule promulgation to add fees for new permits authorized by the Florida Legislature. The rule will also clarify the fee for relocation of an establishment holding multiple permits.

SUMMARY: The rule implements the fee for the third party logistics provider permit and the health care clinic establishment permit. It also clarifies the fee for relocation of an establishment that holds multiple permits.

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: 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.015, 499.04, 499.041, 499.05, 499.028 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: Rebecca Poston, R. Ph., Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.018 Fees.

(1) Biennial fees for a MANUFACTURER or REPACKAGER ~~manufacturer's~~ permit are as follows:

Permit	Biennial Fee
Prescription Drug Manufacturer	\$1500
Prescription Drug Repackager	\$1500
Device Manufacturer	\$1200
Cosmetic Manufacturer	\$800
Over-the Counter Drug Manufacturer	\$800
Compressed Medical Gas Manufacturer	\$1000
Non-resident Prescription Drug Manufacturer	\$1000

No manufacturer shall be required to pay more than one fee per establishment to obtain an additional manufacturing permit; but the manufacturer must pay the highest fee applicable to the operations in each establishment.

(2)(a) Biennial fees for a WHOLESALE DISTRIBUTOR or FREIGHT FORWARDER ~~wholesaler's~~ permit that is issued on a BIENNIAL ~~biennial~~ basis are as follows:

Permit	Biennial Fee
Compressed Medical Gas <u>Wholesale Distributor</u> Wholesaler	\$600
Retail Pharmacy <u>Drug Wholesale Distributor</u> Wholesaler	\$100
Freight Forwarder	\$600
Veterinary Prescription Drug <u>Wholesale Distributor</u> Wholesaler	\$1000

Limited Prescription Drug Veterinary Wholesale Distributor ~~Wholesaler~~ \$1000

(b) Annual fees for a WHOLESALE DISTRIBUTOR ~~wholesaler's~~ permit that is issued on an ANNUAL basis are as follows:

Permit	Annual Fee
Prescription Drug <u>Wholesale Distributor</u> Wholesaler (including Broker Only)	\$800
Out-of-State Prescription Drug <u>Wholesale Distributor</u> Wholesaler	\$800

(3) Biennial fees for OTHER ~~distribution~~ permits are as follows:

Permit	Biennial Fee
Complimentary Drug Distributor	\$500
Veterinary <u>Prescription Legend</u> Legend Drug Retail Establishment	\$600
Medical Oxygen Retail Establishment	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Health Care Entity	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Charitable Organization	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Reverse Distributor	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Destruction	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Government Programs	\$600
Restricted <u>Prescription R*</u> R* Drug Distributor – Institutional Research	\$600
<u>Third Party Logistics Provider</u>	<u>\$600</u>
<u>Health Care Clinic Establishment</u>	<u>\$255</u>

(4) Miscellaneous OTHER ~~other~~ fees are as follows:

Description of other service fees	Fee
(a) Certification as Designated Representative	\$150
(b) Initial Application/On-site Inspection	\$150

Non-Refundable
(The initial application/on-site inspection fee is non-refundable.)

If the department determines it must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready or available for inspection or available to schedule an inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.

(c) Bond/Security: Prescription Drug Wholesale Distributor Wholesaler \$100,000
Bond/Security or Out-of-State Prescription Drug Wholesale Distributor Wholesaler Bond/Security, as set forth in Section 499.01(2)(d), (e) ~~499.012(2)~~, F.S.

(d) Bond/Security: Limited Prescription Drug Veterinary Wholesaler \$20,000
Bond/Security, as set forth in Section 499.01(2)(l) ~~499.012(2)(h)~~, F.S.

(e) Change of Address Fee:
 A relocation fee of \$100 must be paid for each permitted person or establishment relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for each additional ~~at other~~ permits.

(f) Product Registration (for each \$30*
per drug or cosmetic product registered)
 *The registration fee for a prescription drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$15.

(g) Listed Identical Products \$15

(h) Free Sale Certificate \$25

Signature of Free Sale Certificate \$2

copy (requested concurrently)

(i) Delinquent Establishment Permit \$100

Renewal (per permit)

(5) The department shall assess other fees as provided in Chapter 499 Part I Sections ~~499.001-.081~~, F.S.

Specific Authority 499.01, ~~499.012, 499.015, 499.04, 499.041, 499.05, 499.028~~ FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041, 499.05, 499.028 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04, 2-14-06, 9-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rebecca Poston, R.Ph.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon General

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.003
 RULE TITLE: Miscellaneous Fees; Name Changes and Duplicate Licenses

PURPOSE AND EFFECT: Section 497.140(6)(a), F.S., requires the Department to impose a special unlicensed activity fee of \$5 upon each initial license and each renewal of a license under Chapter 497, F.S. Section 497.140(4), F.S., authorizes the Department to charge a fee as determined by Department rule but not to exceed \$25 for the issuance of a duplicate license. Section 497.140(5), F.S., requires the Department to charge a fee as determined by Department rule but not to exceed \$25 for the certification of a public record. Section 497.161(1)(d), F.S., authorizes the Department to adopt a rule establishing a fee of up to \$100 for the issuance of a duplicate license or for a name change on a license. The proposed rule implements these statutory provisions.

SUMMARY: The proposed rule imposes a \$5 unlicensed activity fee on each initial license and each renewal of a license; sets a fee of \$25 for a name change on a license; sets a fee of \$25 for a duplicate license; and sets a fee of \$5 for the certification of a public 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: 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS.

LAW IMPLEMENTED: 497.140(4), (5), (6), 497.161(1)(d) 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: September 2, 2008, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., 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: Doug Shropshire (850)413-3039 or doug.shropshire@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: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.003 Miscellaneous Fees; Name Changes and Duplicate Licenses.

(1) A special unlicensed activity fee of \$5.00 per licensee shall be imposed on each initial license and each renewal of a license under Chapter 497, F.S. These funds shall be used by the Department to identify and combat unlicensed activity which violates the provisions of Chapter 497, F.S.

(2) The fee for a name change on a license is \$25. The original of the current license must be returned to the Department before a license in the changed name will be issued. A request for a name change for business entities shall be submitted to the Department on Form DFS-N1-1764, "Change of Name & Request for Revised License Certificate – Entities," effective 10/06. A request for a name change for individuals shall be submitted to the Department on Form DFS-N1-1765, "Change of Name & Request for Revised License Certificate – Individuals," effective 10/06. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C.

(3) The fee for a duplicate license is \$25. A request for a duplicate license shall be submitted to the Department on Form DFS-N1-1766, "Request for Duplicate License," effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C.

(4) The fee for certification of public records is \$5.00.

Specific Authority 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS. Law Implemented 497.140(4), (5), (6), 497.161(1)(d) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2007

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05271
RULE TITLE: Standards for the Use of Reasonable Force

NOTICE OF PUBLIC HEARING

The Department of Education announces an additional hearing regarding the above rule, as noticed in Vol. 34, No. 30, July 25, 2008 Florida Administrative Weekly.

DATE AND TIME: An additional public hearing will be held to accept public input on proposed Rule 6A-6.05271, F.A.C., as shown below. A conference call will be held on August 26, 2008, from 3:30 p.m. – 5:00 p.m., Conference Call number 1(888)808-6959, Conference Code 4617163. For persons in Tallahassee wishing to appear in person, the conference call will be conducted at: 325 West Gaines Street, Room 503, Tallahassee, FL. For information relating to the rule please contact: Marian Lambeth, Chief, Professional Practices Services, Department of Education, 325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400, (850)245-0438. For additional information relating to the conference call please contact: Lynn Abbott, Office of the Commissioner, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661.

IN ADDITION: The rule will be continued from the August 19, 2008, State Board of Education meeting to the October 21, 2008 State Board of Education meeting.

PLACE: August 26, 2008 via conference call – conference call number 1(888)808-6959, Conference Code 4617163. For persons in Tallahassee wishing to appear in person, the conference call will be conducted at: 325 West Gaines Street, Room 503, Tallahassee, FL

The State Board of Education will meet on October 21, 2008 to consider the rule – location to be determined and advertised in a future edition of the Florida Administrative Weekly.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The full text of the proposed rule is:

6A-6.05271 Standards for the Use of Reasonable Force.

(1) Reasonable Force is defined as appropriate physical response necessary to maintain a safe and orderly learning environment. Reasonable Force should be limited to the minimal force necessary to prevent undue harm or injury to the student(s) or others or significant damage to property. Reasonable Force should not be used as an instrument for the educator’s anger or frustration with a situation or student(s) and if possible should be used in a way that does not unduly impugn the dignity of the student(s).