

(3) Any single-share stock certificate retailer that claims entitlement to the exemption provided under this rule bears the burden of proving such entitlement in any proceeding brought under Chapter 517, F.S.

(4) In order for an offer or sale of a single-share stock certificate by a single-share stock certificate retailer to qualify for an exemption from the registration requirements of Sections 517.07 and 517.12(1), F.S., the offer or sale must comport with all of the following requirements:

(a) The single-share stock certificate retailer purchases the shares of stock through a registered dealer;

(b) The single-share stock certificate retailer markets, offers and sells the single-share stock certificate as a gift, decoration, or novelty item;

(c) The single-share stock certificate is mounted, matted, or framed;

(d) Each framed single-share stock certificate represents one share of stock in the underlying company;

(e) The single-share stock certificate retailer does not offer the single-share stock certificate for investment purposes;

(f) The single-share stock certificate retailer does not offer investment advice;

(g) The single-share stock certificate retailer does not directly or indirectly promote itself as a dealer;

(h) The single-share stock certificate retailer is not paid compensation solely for the single-share purchase transaction by the single-share stock certificate retailer;

(i) The single-share purchase transaction by the single-share stock certificate retailer and the transfer of ownership of the single-share certificate to the purchaser is completed within sixty (60) days after the purchase of the stock by the single-share stock certificate retailer; and

(j) The offer and sale of the share by the single-share stock certificate retailer is not made for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, F.S.

(5) Nothing in this rule shall limit the Office's authority to enforce existing law.

Specific Authority 517.03(1), 517.061(19) FS. Law Implemented 516.061(19), 517.171 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Reilly, Bureau Chief, Bureau of Securities Regulation
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.117	Application for Examination for Pest Control Operator's Certificate and Special Identification Card
5E-14.1421	Identification Card – Training Verification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

5E-14.117 Application for Examination for Pest Control Operator's Certificate and Special Identification Card.

(1) An applicant for examination for a pest control operator's certificate and special identification card shall complete and submit the following: Application for examination shall be on Forms DACS 13627 Rev. 03/08, 13607 Rev. 01/08, and 13653 Rev. 03/08, Rev. 3/02, which are incorporated by reference and obtained from the Department and shall also include a passport type and quality, full-face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

(a) DACS 13607, Pest Control Examination Application, Rev. 05/08.

(b) DACS 13627, Employment Service, Rev. 08/08.

(c) DACS 13653, Documented Pesticide Application for Certification Exam Qualification, Rev. 09/08.

(d) A passport type and quality, full-face photograph of the applicant at least one and one-half inches by one and one-half inches in size.

The above referenced forms are hereby adopted and incorporated by reference and available on the Department's website at <http://www.doacs.state.fl.us/onestop/aes/pestcont.html>.

(2) through (9) No change.

(10) Prior to application for examination, an The applicant for examination for Termite/Wood Destroying Organism Pest Control, Lawn and Ornamental Pest Control, or General Household Pest Control certification must participate in shall have participated in within this state and under the supervision of a certified operator, a minimum of 45 15 jobs in Florida under the supervision of a certified operator in each category that the applicant seeks certification. An applicant for the Fumigation certification and a Special Identification Card must

participate in a minimum of 15 jobs in Florida under the supervision of a certified operator prior to application for examination; except that after January 12, 2009, the applicant must have participated in a minimum 45 pesticide applications; in each category in which the applicant seeks certification. An The applicant for Termite/Wood Destroying Organism Pest Control, Lawn and Ornamental Pest Control, or General Household Pest Control certification shall document all 45 jobs on DACS 13653 and the submit as part of the application, and on forms provided, a statement from the said supervising certified operator shall certify that the documented jobs were that the jobs or, after January 12, 2009, pesticide applications have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work. An applicant for the Fumigation certification and a Special Identification Card Applicants for the fumigation examinations shall document their participation submit evidence of having participated in 15 general fumigations (as defined by (subsection 5E-14.102(4), F.A.C.): on DACS 13653 and the supervising certified operator shall certify that the documented jobs were participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work.

(11) through (17) No change.

Specific Authority 482.051 FS. Law Implemented 482.131, 482.132, 482.141, 482.151, 482.152, 482.156 FS., as amended July 1, 2006, ch. 2006-289; History—New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, _____.

5E-14.1421 Identification Card – Training Verification.

(1) The licensee shall maintain written training records for both the initial 5 day (40 hour) training required in Section 482.091(3) and the continuing training required in Section 482.091(10), F.S., on all identification cardholders within their employ and make those records available during routine inspection or upon request of the Department. Licensees must maintain the training record for at least a two year period. The training required for Section 482.091(3), F.S., must be conducted by a certified operator or a person under the supervision of the certified operator in charge who has been designated in writing as responsible for training. The 40 hour initial training shall be verified by:

(a) Completion of DACS form 13665, Verification Record of Initial Employee Training, Rev. 05/08, which is which is hereby adopted and incorporated by reference and available on the department’s website at www.doacs.state.fl.us/onestop/aes/pestcont.html; or

(b) A written record of 40 hours of attendance in a training course with a written course syllabus and copies of all training materials used in the course available for Department inspection.

(2) The Department will accept either ~~any one~~ of the following as documentation of verifiable training as required under Section 482.091(10), F.S.:

(a) through (b) No change.

(3) For the purposes of complying with Section 482.091(10) e~~Each~~ classroom training session shall be at least 50 minutes in length or one contact hour. Partial contact hours will not be accepted. “Pesticide safety” deals with any aspect of pesticide formulation, handling and use. Example topics would include: pesticide types and formulations, human poisoning symptoms, routes of exposure and protective equipment, pesticide storage, transport and use, spray drift and groundwater runoff. “Integrated pest management” deals with any aspect of pest management. Example topics would include: inspection (locating and monitoring pests), establishing treatment thresholds, sanitation/habitat modification, trapping, biological and use of pesticides, and pesticide application equipment. “Applicable federal and state laws and rules” deal with any aspect of government regulation of the pest control industry. Example topics would include: reviewing federal FIFRA requirements, reviewing or discussing modifications to Chapter 482, F.S., and/or Chapter 5E-14, F.A.C., and reviewing other regulatory agencies or legislative bodies regulations dealing with pesticide use, hazardous waste storage/disposal and/or transportation.

Specific Authority 482.051, 482.091(10) FS. Law Implemented 482.091(1), (2), (3), (4), ~~(10)~~, 482.151 FS. History—New 6-12-02, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
 RULE TITLE: Student Performance Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 45, November 7, 2008 issue of the Florida Administrative Weekly.

The following benchmarks contained in the Next Generation Sunshine State Standards – Social Studies, 2009, as incorporated by reference were amended as shown:

SS.K.A.2.4 – Listen to and retell stories about people in the past who have shown character ideals and principles including honesty, courage, and responsibility.

SS.1.A.2.4 – Identify people from the past who have shown character ideals and principles including honesty, courage, and responsibility.

SS.6.C.2.1 – Identify principles (civic participation, role of government) from ancient Greek and Roman civilizations which are reflected in the American political process today and discuss their effect on the American political process.

SS.8.C.1.5 – Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today.

SS.912.H.3.In.a – Identify effects of transportation, trade, communication, science, and technology on the preservation of a culture and its diffusion to other locations.

SS.912.H.3.Su.a – Recognize an effect of transportation, trade, communication, science, or technology on the diffusion of a culture to another location.

SS.912.H.3.In.b – Recognize selected social, ethical, moral, religious, and legal issues related to technology or scientific developments and their influence on works of art.

SS.912.H.3.Su.b – Recognize a selected social, ethical, moral, religious, or legal issue related to technology or scientific developments and their influence on works of art.

SS.912.C.2.9 – Identify the expansion of civil rights and liberties by examining the principles contained in primary documents.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.094221 Alternative Standardized Reading
 Assessment and Use of Student
 Portfolio for Good Cause
 Promotion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 29, July 18, 2008 issue of the Florida Administrative Weekly.

Rule 6A-1.094221 was approved as shown below:

Rule 6A-1.094221 is amended to read:

6A-1.094221 Alternative Standardized Reading
Assessment and Use of Student Portfolio for Good Cause
Promotion.

(1) Pursuant to Section 1008.25(6), F.S., relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the Grade 3 ~~three~~ Florida Comprehensive Assessment Test (FCAT) Reading may be promoted to grade four if the student demonstrates:

(a) Scores at or above the 51st percentile on the Reading SAT-9 or at or above the 45th percentile on the Reading SAT-10; An acceptable level of performance on the Reading SAT-9 or Reading SAT-10 alternative assessment; or

(b) Demonstrates an acceptable level of performance on an alternative standardized reading assessment approved pursuant to subsection (2) of this rule; or Reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the grade three FCAT Reading.

(c) Demonstrates reading on grade level as evidenced through mastery of the Sunshine State Standards in reading equal to at least Level 2 performance on the Grade 3 FCAT Reading.

(2) The Department of Education shall review and approve the use of alternative standardized reading assessments to be used as a good cause exemption for promotion to fourth grade. To promote a student using the SAT 9 or SAT 10 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 on FCAT Reading must score at or above the 51st percentile on the SAT 9 or at or above the 45th percentile on the Reading SAT 10. The SAT 9 or SAT 10 may only be administered one (1) time.

(a) The approval of an alternative standardized reading assessment must be based on whether the assessment meets the following criteria:

1. Internal consistency reliability coefficients of at least 0.85;

2. High validity evidenced by the alignment of the test with nationally recognized content standards, as well as specific evidence of content, concurrent, or criterion validity;

3. Norming studies within the last five (5) to ten (10) years, with norming within five (5) years being preferable; and

4. Serves as a measure of grade 3 achievement in reading comprehension.

(b) Districts may submit requests for the approval of alternative standardized reading assessments to be used as a good cause exemption for promotion to fourth grade. Once an assessment has been approved by the Department of Education, the assessment is approved for statewide use.

(c) The Department of Education shall approve the required percentile passing score for each approved alternative standardized reading assessment based on an analysis of Florida student achievement results. If an analysis is not feasible, students must score at or above the 50th percentile on the approved alternative standardized reading assessment.

(d) The earliest the alternative assessment may be administered for student promotion purposes is following administration of the Grade 3 FCAT Reading. An approved standardized reading assessment may be administered two (2) times if there are at least thirty (30) days between administrations and different test forms are administered.

(3) To promote a student using a student portfolio as a good cause exemption there must be evidence that demonstrates the student’s mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the Grade 3 ~~three~~ FCAT Reading. Such evidence shall be an organized collection of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the Grade 3 ~~three~~ FCAT Reading. The student portfolio must meet the following criteria:

(a) Be selected by the student’s teacher,

(b) Be an accurate picture of the student’s ability and only include student work that has been independently produced in the classroom,

(c) Include evidence that the benchmarks assessed by the Grade 3 three FCAT Reading have been met. Evidence is to include multiple choice items and passages that are approximately sixty (60) percent literary text and forty (40) percent information text, and that are between 100-700 words with an average of 350 words. Such evidence could include chapter or unit tests from the district’s/school’s adopted core reading curriculum that are aligned with the Sunshine State Standards or teacher-prepared assessments.

(d) Be an organized collection of evidence of the student’s mastery of the Sunshine State Standard Benchmarks for Language Arts that are assessed by the Grade 3 three FCAT Reading. For each benchmark, there must be at least five (5) examples of mastery as demonstrated by a grade of “C” or above, and

(e) Be signed by the teacher and the principal as an accurate assessment of the required reading skills.

Specific Authority 1008.25(8)(b) FS. Law Implemented 1008.25(6)(b)3. FS. History–New 5-19-03, Amended 7-20-04, 3-24-08,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-10.0342 Vocational Education Program
Performance Reporting

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 38, September 19, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: RULE TITLE:
9J-5.026 Rural Land Stewardship Area
(RSLA)

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 42, October 17, 2008 issue of the Florida Administrative Weekly.

9J-5.026 Rural Land Stewardship Area (RSLA).

(1) Purpose of the RLSA Planning Process. The RLSA is an enhanced rural planning process which counties may elect to use. The paramount purpose of the planning process is to further the statutory principles of rural sustainability through innovative and flexible planning strategies and incentives. The planning process uses stewardship planning to encourage landowners to permanently conserve agricultural lands, and ecosystems, habitats, and natural resources in return for

appropriate development rights on a limited portion of other lands suitable for development within the RLSA. ~~The planning process is not an entitlement vehicle for urban developments of such size that they overwhelm the rural or agricultural character of the area.~~

(2) Purpose of the RLSA Rule. The purpose of this section is to establish rules for designating a RLSA. It specifies the substantive compliance requirements for RLSA plan amendments and explains how the Department will determine the compliance of a RLSA plan amendment as required by Chapter 163, Part II, F.S. These rules establish minimum criteria which may be exceeded by local governments.

(3) Adoption of a RLSA Plan Amendment. A county, or counties in the case of a multi-county RLSA, may adopt a RLSA plan amendment(s) after giving notification to and receiving the authorization of the Department. Chapter 9J-11, F.A.C., establishes the specific procedures and requirements for the ~~local~~ notification by local government, the Department’s authorization, and the adoption of a plan amendment designating a RLSA.

(4) Definitions.

(a) “Designated Receiving Area” means a delineated land area within an Eligible Receiving Area within a RLSA to which stewardship credits can be transferred to increase the density or intensity of a parcel.

(b) “Designated Sending Area” means an area within a RLSA that has been designated as appropriate for conservation or agricultural use and assigned stewardship credits.

(c) “Eligible Receiving Area” means an area designated in the initial RLSA plan amendment that delineates where “Designated Receiving Areas” can be subsequently located.

(d) “Greenbelt” means a wide border of permanently undeveloped land that precludes the expansion of development into the surrounding rural lands; provides a buffer to protect the surrounding rural resources from development impacts; and separates the developed area from other developed areas.

(e) “Rural Landscape” means the mosaic of agricultural and natural land covers which may include rural settlements.

(f) “Stewardship credits” means development credits assigned to lands within a rural lands stewardship area. These development credits do not constitute development rights until they are transferred to parcels within Designated Receiving Areas for the sole purpose of implementing the innovative planning and development strategies and creative land use planning techniques established by the rural lands stewardship area plan.

(g) “Stewardship easement” means a covenant or restrictive easement running with the land which records the use of stewardship credits and specifies the allowable uses and development restrictions for the Designated Sending Area ~~limits future development.~~ The stewardship easement must be jointly held by the county and either the Department of

Environmental Protection, Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(5) ~~Threshold Eligibility Requirements. To be eligible for consideration by a county and the Department~~ Threshold Eligibility Requirements. To be eligible for designation as a RLSA, a proposed RLSA must meet the following eligibility requirements:

(a) A RLSA may encompass land in one county or land in adjacent counties but shall not include land within municipal or established urban growth boundaries as designated in the local comprehensive plan(s);

(b) A RLSA must include a minimum of 10,000 acres of privately owned land that is not already permanently protected through existing easements, covenants or other restrictions; and

(c) A RLSA must consist of lands with a pre-existing future land use map designation of agricultural, rural, open, open-rural, or an essentially similar land use designation.

(6) ~~Mandatory Substantive Requirements. A RLSA plan amendment must satisfy the substantive requirements for plan amendments in Chapter 163, Part II, F.S. and Chapter 9J-5, F.A.C., including the additional requirements established by Section 163.3177(11), F.S., and Rule 9J-5.026, F.A.C., for the designation of a RLSA.~~ Mandatory Substantive Requirements. A RLSA plan amendment must satisfy the substantive requirements for plan amendments in Chapter 163, Part II, F.S. and Chapter 9J-5, F.A.C., including the additional requirements established by Section 163.3177(11), F.S., and Rule 9J-5.026, F.A.C., for the designation of a RLSA.

(7) Rural Sustainability. Rural sustainability is the paramount goal of a RLSA.

(a) A RLSA plan amendment must demonstrate that it will further the following statutory principles of rural sustainability:

1. Restoration and maintenance of the economic value of rural land;

2. Control of urban sprawl;

3. Identification and protection of ecosystems, habitats, and natural resources;

4. Promotion of rural economic activity;

5. Maintenance of the viability of Florida's agricultural economy; and

6. Protection of the character of rural areas of Florida.

(b) Furthering the principles of rural sustainability requires large-scale planning which controls the amount, type, and location of development. A RLSA shall manifest the following general landscape features which will vary based on local characteristics:

1. Land area(s) large enough to accommodate development on suitable lands while conserving the overall rural character and the agricultural lands, and ecosystems, habitats, and natural resources on the remaining lands;

2. A limited development footprint in order to protect the surrounding rural landscape and agricultural lands, and ecosystems, habitats, and natural resources;

3. A limited number of Designated Receiving Areas to prevent urban sprawl and unnecessary fragmentation of the rural landscape;

4. Designated Receiving Areas with compact shapes that avoid intrusions into the surrounding rural landscape in the form of radial, strip, ribbon, or finger patterns;

5. Greenbelts surrounding Designated Receiving Areas to provide for a clear separation between urban and rural uses except when the Designated Receiving Area is adjacent to existing development or incorporated areas;

6. Designated Receiving Areas located only on land most suitable for development ~~and away or effectively buffered from lands most suitable for agriculture and natural resource conservation~~; and

7. Designated Receiving Areas connected with each other and the remainder of the RLSA and to areas outside of the RLSA using rural design principles and rural road corridors with controlled access that are designed to prevent sprawl and minimize impacts on ecosystems, habitats, and natural resources.

(c) The amount and type of development in a RLSA must also be designed to further the principles of rural sustainability. Therefore, development ~~shall~~ ~~should~~ be of the amount and type that is sustainable and will support and sustain and not undermine the rural and agricultural economies. A RLSA shall manifest the following general development characteristics:

1. The total amount of development, particularly residential development, must be limited and carefully controlled to be compatible with ~~avoid impacts that will overwhelm~~ the overall rural character of the RLSA and surrounding area including or ~~adversely impact~~, agricultural activities, and ecosystems, habitats, and natural resources. The total amount of development shall not exceed the amount calculated in accordance with paragraphs (9)(c) and subparagraph (8)(c)2. (H)(b).

2. Provision for agricultural-related uses, including farmworker housing, that will support and sustain the rural and agricultural economies. These uses may be located in Designated Receiving Areas, and in designated Agricultural Areas if sited on agricultural lands suitable for development and in a manner that does not adversely affect agricultural activities.

3. Rural villages, rural activity centers, and new towns shall be designed to:

a. ~~P~~provide for a compact, functional mix of land uses that serve living, working, shopping, recreational, and civic needs;

b. ~~P~~provide energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions;

c. ~~M~~inimize the external impacts of the development;

d. ~~M~~aximize the cost-efficient provision of public facilities and services; and

e. ~~P~~provide adequate workforce housing, including low, very low, and moderate income housing.

(8) ~~Existing Conditions:~~ Data and Analysis Requirements. The data and analysis requirements that apply to all plan amendments also apply to RLSA amendments. This subsection does not repeat those requirements, but some requirements are cross-referenced for ease of use. This subsection establishes RLSA-specific data and analysis requirements that are in addition to the requirements for all amendments. In order to evaluate the existing conditions within the RLSA and how those conditions interrelate with the surrounding regional context, the data and analysis must cover ~~existing~~ local conditions within the RLSA, the county or counties in which it is located, and the areas surrounding the RLSA irrespective of county boundaries. The data and analysis shall address:

(a) ~~Existing Conditions Agriculture. Data and analysis of existing conditions provides the necessary foundation for developing the RLSA Plan consistent with subsection 9J-5.005(2), F.A.C.~~

1. Identify current ~~and historical~~ agricultural land uses, activities, and economic conditions in the RLSA and surrounding area and include an existing conditions map of current agricultural areas within and surrounding the RLSA.

2. Analyze the probable or projected future agricultural land uses ~~and activities~~ in the area and the amount of land required to accommodate them.

3. Analyze the suitability of the land for ~~existing and potential~~ agricultural activities. The analyses shall consider the effect on threats to agriculture from development and spatial fragmentation.

4. ~~Inventory and evaluate local, state, and federal agricultural programs to determine how the RLSA may impact or be impacted by these programs.~~

(b) ~~Rural Character and Economy.~~

4.1. Identify and describe the existing, locally specific rural character of the RLSA and surrounding area by analyzing its characteristics, including land use, development patterns, and economic, social, cultural, historic, scenic, landscape, recreational, and environmental elements.

2. ~~Describe and analyze the existing rural and agricultural economy, including the types of existing industries, employment, extent of unemployment, and local workforce characteristics.~~

3. ~~Inventory and evaluate local, state, and federal programs addressing rural economic issues such as the Rural Economic Development Initiative established in Section 288.0656, F.S., including how the RLSA may impact or be impacted by these programs.~~

(c) ~~Ecosystems, Habitats, and Natural Resources.~~

5.1. Inventory and identify natural resources as required under Rules sections 9J-5.006 and 9J-5.013, F.A.C., including ecosystems, habitats, and natural resources existing within and proximate to the RLSA. The inventory shall include important water recharge areas and water supply sources; water bodies

designated pursuant to Section 403.067, F.S.; spring protection areas; and the Florida Greenways and Trails System as designated pursuant to Chapter 260, F.S.

6.2. Analyze geographic connections between RLSA resources and larger systems and networks such as water systems, wildlife corridors, greenways, and trails.

7.3. Analyze the potential threats to natural resources, including urbanization, economic, biological, and spatial fragmentation.

8.4. ~~Identify Inventory~~ and evaluate relevant local, state, and federal programs and special land use designations such as publicly owned conservation lands, mitigation banks, and environmental restoration efforts, including the Comprehensive Everglades Restoration Plan (CERP), that may impact or be impacted by the RLSA.

(d) ~~Potential Development and Urban Sprawl.~~

9.1. Analyze landscape and development conditions of the RLSA and surrounding rural lands, such as the overall pattern of rural land uses and land covers, parcel size and ownership patterns, recent historical trends regarding subdivision of land and transition to residential uses, roadways, and other infrastructure that may affect RLSA development and rural sustainability.

2. ~~Analyze how the RLSA is likely to affect the future development patterns of other rural and agricultural lands in the surrounding area, irrespective of county boundaries.~~

(b)(e) Land Values Analysis for Stewardship Credit System. In evaluating agricultural lands, and ecosystems, habitats, and natural resources, conduct a land values analysis for use in assigning stewardship credits and for determining the most suitable locations for Designated Receiving Areas. The analysis shall include and be based on the following:

1. All forms of rural resources including agricultural, environmental, local and regional ecosystems, wildlife habitat, water resources, recreational, tourism, scenic, cultural, and other rural amenities;

2. The broad landscape ecology, including geographic linkages and corridors; specially designated areas such as natural reservations as defined in subsection 9J-5.003(78), F.A.C., and the Florida Greenways and Trails System, including the Florida National Scenic Trail identified in Chapter 260, F.S.; and appropriate buffer zones to mitigate incompatibilities and enhance environmental and other values;

3. All existing permanent protection measures, both public and private, including land use restrictions and conservation programs and an evaluation of whether these measures reduce or increase the need for additional protection through the RLSA planning process;

4. Land development and other conversion threats whereby significant rural resources under threat require more incentives via stewardship credits and less significant resources require lesser incentives and may be more suitable

for designation as receiving areas. This includes the future threat of low-density sprawl on lands proximate to and surrounding potential Designated Receiving Areas; and

5. Site specific natural resource evaluation criteria substantially similar to those used to establish statewide geographic information systems by the Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, and Water Management Districts; and available agricultural data from the Florida Department of Agriculture and Consumer Services, and the United States Department of Agriculture.

(c) RLSA Plan.

1. How the RLSA Plan will further the principles of rural sustainability.

2. The maximum amount of allowable development in the RLSA.

3. The demonstration of need for the maximum amount of development pursuant to paragraph (9)(c).

4. The stewardship credit system and how it will allow achievement of the RLSA Plan.

5. The suitability for development of land in the RLSA, including Eligible Receiving Areas and potential sites for development in Agricultural Areas.

6. The location and extent of greenbelts, buffers, or setbacks needed to ensure a separation of any urban and rural uses and to protect agricultural lands, and ecosystems, habitats, and natural resources.

7. An analysis of how the RLSA Plan is likely to affect future development patterns of other rural and agricultural lands in the surrounding area, irrespective of county boundaries, and control urban sprawl within and surrounding the RLSA.

8. The amount of workforce housing, including low, very-low, and moderate income housing, needed for the development allowed in the RLSA and for persons working in agriculture and other rural industries in the RLSA.

9. The rural design standards and rural road corridor network that will be needed to serve the RLSA.

10. Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.

(9) RLSA Plan Standards. The RLSA Plan shall satisfy the following standards:

(a) Development and Design Standards.

1. The RLSA Plan must be consistent with the general landscape and development characteristics set forth in paragraphs (7)(b) and (7)(c).

2. The maximum amount of allowable residential and non-residential development in the RLSA shall not exceed the amount of development determined pursuant to paragraphs (9)(c) and subparagraph (8)(c)2. (11)(b).

3. All ~~non-agricultural~~ development enabled by the transfer of stewardship credits shall be located in Designated Receiving Areas that will be established pursuant to paragraph (10)(e) and subsection (11) and which shall be ~~are~~ located in Eligible Receiving Areas designated in the comprehensive plan.

4. Development in Any Designated Receiving Areas ~~exceeding 1,000 acres~~ shall meet the definition of new town in subsection 9J-5.003(80), F.A.C., or the definition of All other development shall be designated as a rural village or rural activity center which shall meet the definition set forth in subsection 9J-5.003(112), F.A.C., ~~and shall not exceed 1,000 acres in size.~~

5. Significant ecosystems, habitats, and natural resource areas in the RLSA shall be designated as Conservation Areas in which, after transfer of all stewardship credits, development shall be prohibited by sending area stewardship easements. Conservation Areas in which specified agricultural uses are allowed shall be clearly distinguished from Conservation Areas in which no agricultural uses are allowed.

6. All lands in the RLSA, except for Designated Receiving Areas and designated Conservation Areas, shall be designated as Agricultural Areas in which, after transfer of stewardship credits, development shall be prohibited by sending area stewardship easements, except for agricultural-related uses as provided in subparagraph (7)(c)2.

7. Service area boundaries must be established for each Designated Receiving Area which provide for a clear separation between it and other land uses in the RLSA through limitations on the extension of services. Service areas shall provide for the cost-efficient delivery of public facilities and services.

8. The innovative planning and development strategies to be used in Designated Receiving Areas shall include a compact, functional mix of land uses; energy efficient land use patterns; the internal capture of trips; and minimization of vehicle miles traveled and greenhouse gas emissions.

(b) The Size of the Development Footprint. The RLSA plan amendment shall establish ~~limit~~ the size of the total development footprint, i.e., the Designated Receiving Area(s).

1. The size of the total development footprint shall be based upon:

a. The size of the RLSA and the number of Designated Receiving Areas;

b. The percentage of the RLSA that will be permanently protected or preserved by stewardship easements, the degree to which permanently protected sending areas are contiguous, and the degree to which permanently protected sending areas establish an effective greenbelt around the receiving areas;

c. The locational attributes of the development footprint, including whether it is located adjacent to existing development or incorporated areas and will be otherwise surrounded by greenbelts;

d. The extent and location of new infrastructure, including roadways, which will be required to serve the Designated Receiving Areas;

e. The land use, design and development standards, such as the amount of residential development, the degree of mixed use, compactness, jobs-housing balance, internalization of impacts, pedestrian orientation, multi-modal transportation, connectivity standards, and energy efficiency, that will be required in the Designated Receiving Areas;

f. The extent to which potential urban sprawl is prevented by reducing or eliminating permissible land uses and development intensities and densities in Agricultural and Conservation areas outside of the Designated Receiving areas within the RLSA and in the rural areas surrounding the RLSA; and

g. The impact of the development footprint on ecosystems, habitats, and natural resources, including potential fragmentation of such resources.

2. In reviewing the size of the development footprint established in the RLSA plan amendment, the Department shall determine that a total footprint that does not exceed 10 percent of the entire RLSA complies with this paragraph and subparagraph (7)(b)2., and furthers the principles of rural sustainability. If the total development footprint is more than 10 percent of the entire RLSA, the RLSA plan amendment must demonstrate that the development footprint furthers the principles of rural sustainability.

(c) Development Allocation Standards. ~~The Because the RLSA Plan projects the ultimate land use pattern that may occur beyond the long-term planning period of the comprehensive plan, the amount of allowable development in the RLSA Plan must be based on the 25-year or greater projected population of the RLSA; population projections for the RLSA for the short- and long-term planning periods of the comprehensive plan and for the ultimate land use pattern. The population projections shall be based on professionally acceptable methods for projecting growth in rural geographic areas like the RLSA. The methodology must take into account the requirement to achieve the statutory principles of rural sustainability; the population projections and the allocations of development entitlements for the county as a whole; the amount of development allowed by the underlying land uses; and the anticipated effect of the proposed RLSA and its proposed Receiving Areas, including any committed catalyst projects, infrastructure improvements, or other projects that would attract and support development.~~

(d) Stewardship Credit System Standards. The RLSA plan amendment shall either incorporate or require adoption by separate ordinance of a stewardship credit system and methodology that complies with the following criteria:

1. Each credit shall represent a defined number of residential units per acre or a defined amount of non-residential square footage per acre. The credit transferee may decide

whether to use the credit for a residential or non-residential use according to the plan of development for the Designated Receiving Area.

2. The maximum number of credits for the entire RLSA shall be established and shall equal the maximum amount of development allowed in the RLSA.

3. Credits shall be assigned to each acre of land based on the land values analysis required by paragraph (8)(b)(e) in a manner designed to accomplish the purposes of the RLSA Plan.

4. Credits for a Designated Sending Area shall be assigned at the time the sending area is designated.

5. After assignment of credits to a Designated Sending Area, credits may be transferred directly to a parcel within a Designated Receiving Area in order to increase development entitlements or, at the option of the landowner and county, to a credit bank managed by the county or to a third party. Banked or third party credits are reserved for future transfer to a Designated Receiving Area.

6. At the time credits are transferred to a Designated Receiving Area, credit bank, or third party, a stewardship easement or restrictive covenant must be imposed on the Designated ~~Sending Receiving~~ Area and recorded in the public records of the county to permanently prohibit development and to provide for conservation of ecosystems, habitats and natural resources, and to permanently limit land uses on agricultural lands to specified agricultural activities, including agricultural-related development. ~~The easement or restrictive covenant shall be in favor of the county and either the Department of Environmental Protection, the Department of Agricultural and Consumer Services, a water management district, or a recognized statewide land trust.~~

7. The local government may require that the easement or restrictive covenant provide for the appropriate management and monitoring of the resources to be protected and enforcement mechanisms to ensure compliance with the terms, conditions and restrictions established in the easement or covenant.

8. Upon transfer of credits, the underlying land uses are extinguished except for agricultural-related uses that may be allowed in Agricultural or Conservation Areas according to the provisions of the stewardship easement or restrictive covenant, which may restrict the intensity of the agricultural-related uses to promote compatible conservation uses.

9. To encourage the restoration, management, and maintenance of conservation lands through conservation easements, credit bonuses may be allowed as determined by the comprehensive plan. This bonus amount shall be included in the maximum number of credits established for the entire RLSA and shall not increase the total amount of credits and development allowed in the entire RLSA.

10. To encourage the early establishment of stewardship easements, credits that are transferred to a credit bank or third party for future use may be increased by a bonus amount as determined by the comprehensive plan. This bonus amount shall be included in the maximum number of credits established for the entire RLSA and shall not increase the total amount of credits and development allowed in the entire RLSA.

(10) Goals, Objectives, Policies and Map. The RLSA plan amendment shall contain a RLSA Plan consisting of goals, objectives, policies, and a map that set forth the innovative planning and development strategies to be applied in the RLSA. The goal statement(s) shall establish the long-term ends of the amendment to further the principles of rural sustainability. Each goal shall contain objectives and policies which address how the principles of rural sustainability and the standards specified in subsection (9) will be achieved in the RLSA. The goals, objectives, policies and map shall address the following:

(a) The conservation and protection of agricultural lands, and ecosystems, habitats, and natural resources in the RLSA.

(b) The control of urban sprawl within and surrounding the RLSA.

(c) The planning period for the RLSA and the maximum amount of development allowed in the RLSA.

(d) The criteria to be used in establishing the methodology for the stewardship credit system. The methodology and stewardship credit system based on the criteria in the RLSA Plan shall either be incorporated into the RLSA Plan or adopted by separate ordinance.

(e) The process for establishing Designated Receiving Areas and Designated Sending Areas. This shall include minimum standards for the application, review, and designation of sending and receiving areas. This shall also include locational criteria and the maximum cumulative size of Designated Receiving Areas within Eligible Receiving Areas.

(f) The plan of development shall include innovative planning and development strategies to be used in Designated Receiving Areas, including:

1. A compact, functional mix of land uses in rural villages, rural activity centers, and new towns;

2. Timing and phasing requirements necessary to achieve a functional mix; and

3. Land use standards to be applied in Designated Receiving Areas including the amount, type, density, intensity, composition, distribution, location, and design standards of future uses and which specify that the increased densities and intensities can only be enabled through the transfer of stewardship credits to parcels within the Designated Receiving Area.

(g) A process that encourages visioning and public participation in the design of any Designated Receiving Area.

(h) Adequate available workforce housing, including low, very-low, and moderate income housing, for the development anticipated in the RLSA, including housing for persons working in agriculture and other rural industries.

(i) Provision for businesses and industries which support and sustain the rural and agricultural economy.

(j) Compatibility standards and techniques, including greenbelts, buffers, setbacks, and density and intensity gradations, to ensure a clear separation between urban and rural uses and to provide adequate protection of designated Conservation and Agricultural areas.

(k) The protection, restoration and maintenance of designated Conservation Areas through stewardship easements and other means.

(l) The existing and planned rural road system and the rural design principles to be used in connecting the Designated Receiving Areas with each other and to areas outside of the RLSA.

(m) Standards for the establishment of service areas.

(n) Inclusion of existing rural developments such as cross-roads communities and partially built subdivisions as part of the overall plan to further rural sustainability, including appropriate consideration of those areas as most suitable for Designated Receiving Areas.

(o) Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.

(p) The RLSA Plan shall include a RLSA Plan map as an overlay which at a minimum depicts the Eligible Receiving Areas; Conservation and Agricultural Areas; existing rural road corridors; and the general location of planned rural road corridors. The map must be consistent with and supported by data and analysis, and goals, objectives, and policies submitted or adopted in accordance with this section.

~~(11) Data and Analysis. The RLSA plan amendment, including the RLSA Plan, shall be based on and supported by data and analysis which address the following:~~

~~(a) How the RLSA Plan will further the principles of rural sustainability.~~

~~(b) The maximum amount of allowable development in the RLSA.~~

~~(c) The demonstration of need for the maximum amount of development pursuant to paragraph (9)(c).~~

~~(d) The stewardship credit system and how it will allow achievement of the RLSA Plan.~~

~~(e) The suitability for development of land in the RLSA, including Eligible Receiving Areas and potential sites for development in Agricultural Areas.~~

~~(f) Identification and evaluation of existing agricultural lands, and ecosystems, habitats, and natural resources. If the entire RLSA consists of these lands, the data and analysis should identify those lands having the least agricultural suitability and environmental value.~~

~~(g) How the proposed amount of allowable development, especially residential development, will affect agricultural lands, and ecosystems, habitats, and natural resources.~~

~~(h) The location and extent of greenbelts, buffers, or setbacks needed to ensure a separation of any urban and rural uses and to protect agricultural lands, and ecosystems, habitats, and natural resources.~~

~~(i) The control of urban sprawl within and surrounding the RLSA.~~

~~(j) The amount of workforce housing, including low, very low, and moderate income housing, needed for the development allowed in the RLSA and for persons working in agriculture and other rural industries in the RLSA.~~

~~(k) The rural design standards and rural road corridor network that will be needed to serve the RLSA.~~

~~(l) Service areas for Designated Receiving Areas.~~

~~(m) The general terms of the conservation and stewardship easements and restrictive covenants that are proposed to be utilized for the Conservation and Agricultural Areas.~~

~~(n) Energy efficient land use patterns that minimize vehicle miles travelled and greenhouse gas emissions.~~

~~(11)(12) Timing of Demonstration of Need, the Plan of Development, and Financial Feasibility. In order to provide flexibility, the The local government shall utilize one of the following options in addressing the issues of need, plan of development, and financial feasibility in a RLSA plan amendment:~~

(a) Option One: Conventional Plan Amendment Option. The initial RLSA plan amendment must include the following:

1. A demonstration of need for the maximum amount of development allowed for the long-term planning period for the entire RLSA as determined in accordance with paragraphs (9)(c) and subparagraph (8)(c)3. ~~(11)(e)~~. A demonstration of residential land use need is not required if the maximum amount of residential development for the RLSA does not exceed the cumulative amount of residential development allowed by the underlying land uses within the RLSA as established in the pre-existing comprehensive plan. If this limit is chosen, the analysis must demonstrate, using professionally accepted methods, that the amount of non-residential land uses is sufficient to meet the daily and work needs of the projected population and employment, which will vary based on location, proximity to other development, and the size of the planned development.

2. A financially feasible 5-Year schedule of capital improvements for any development that will occur in the first five years and a long term capital improvement plan for the entire RLSA.

3. The Designated Receiving Areas must develop according to all of the requirements established in the initial plan. A subsequent amendment pursuant to Section 163.3184, F.S. is not required except for one or more of the following circumstances:

a. The annual update to the 5-Year Capital Improvements Schedule which must address any capital improvements needed by RLSA development.

b. A change from the initial RLSA plan amendment.

c. The local government has adopted plan policies in the initial plan amendment that require subsequent plan amendments.

4. The RLSA plan amendment shall require that after the local government has designated a Designated Receiving Area by land development regulation, the Designated Receiving Area shall be delineated on the Future Land Use Map shall be revised to delineate the Designated Receiving Area pursuant to a ministerial process. This ministerial singular action shall not be deemed a plan amendment and shall not require a compliance review pursuant to Section 163.3184, F.S.

(b) Option Two: The Vision Plan Option. This option provides greater flexibility in addressing the issues of need, plan of development, and financial feasibility in a RLSA plan amendment as follows:

1. The initial RLSA plan amendment must include a descriptive vision plan for the entire RLSA which is consistent with the principles of rural sustainability. The vision plan shall establish the maximum amount of development required to achieve the vision, the general location and the maximum size of Eligible Receiving Areas, and the general location of Agricultural and Conservation Areas. The amendment must address all goal, objective, and policy requirements except paragraph (10)(f), the plan of development for Designated Receiving Areas. The amendment must address all data and analysis requirements except for subparagraph (8)(c)3. ~~(11)(e)~~ regarding the demonstration of land use need. The initial amendment does not require a financially feasible 5-Year Schedule of Capital Improvements for the RLSA.

2. The initial RLSA plan amendment must provide that prior to the development of a Designated Receiving Area(s), the comprehensive plan must be amended to incorporate the Designated Receiving Area(s) and Designated Sending Area(s) on the Future Land Use Map. This subsequent amendment must include and be supported by:

a. The plan of development required by paragraph (10)(f) and maximum amount of development allowable in the Designated Receiving Area(s) for the long-term planning period.

b. A demonstration of need for the maximum amount of development allowed for the long-term planning period for the Designated Receiving Area(s) determined in accordance with paragraphs (9)(c) and subparagraph (8)(c)3. ~~(11)(e)~~. A demonstration of residential land use need is not required if the maximum amount of residential development for the RLSA does not exceed the cumulative amount of residential development allowed by the underlying land uses within the RLSA as established in the pre-existing comprehensive plan. If this limit is chosen, the analysis must demonstrate, using

professionally accepted methods, that the amount of non-residential land uses is sufficient to meet the daily and work needs of the projected population and employment, which will vary based on location, proximity to other development, and the size of the planned development.

c. A financially feasible schedule of capital improvements that addresses all capital facility planning needs for the Designated Receiving Area(s).

d. Compliance of the plan amendment shall be limited to the requirements in sub-subparagraphs a., b., and c. above and internal consistency with the initial RLSA plan amendment. Any changes to the initial RLSA Plan shall be subject to the complete compliance requirements.

Specific Authority 163.3177(9), (11)(h) FS. Law Implemented 163.3177(2), (3), (6)(a), (8), (10)(e), (11)(a), (11)(b), (11)(d)1., (11)(d)2., (11)(d)4., (11)(d)5., (11)(d)6. FS. History—New _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.: 9J-11.023
 RULE TITLE: Procedure for the designation of a Rural Land Stewardship Area
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 42, October 17, 2008 issue of the Florida Administrative Weekly.

9J-11.023 Procedure for the designation of a Rural Land Stewardship Area.

(1) Purpose and Intent. This section establishes the required procedure for the designation of a rural land stewardship area (RLSA) pursuant to Section ~~Subsection~~ 163.3177(11)(d), F.S.

(2) Pre-Notification Actions.

(a) Prior to giving official notification of intent to designate a RLSA to the Department, the county(ies) shall ~~is (are) encouraged to~~ conduct at least one noticed public workshop to discuss and evaluate the appropriateness of establishing a RLSA. The county(ies) shall ~~is (are) encouraged to~~ invite the Department of Community Affairs, Department of Agricultural and Consumer Services, Department of Environmental Protection, Department of Transportation, Florida Fish and Wildlife Conservation Commission, affected regional planning council(s), and affected water management district(s) (collectively referred to as the “RLSA Interagency Technical Advisory Team”) to participate in the workshop. Potentially affected landowners and other interested parties shall ~~should~~ be given notice and invited to participate in the workshop. The workshop shall address: During this workshop, the county(ies), and state and regional agencies should, at a minimum, discuss the statutory process for designating a RLSA; the planning issues that are likely to arise; and the technical assistance that will be available from state and

regional agencies if the county(ies) proceed(s) to designate a RLSA. The county(ies) shall ~~is (are) encouraged to~~ provide opportunities for broad public participation in the RLSA process, which may include a series of public meetings or workshops.

(b) The county(ies), in coordination with the affected landowners, shall host a site visit of the RLSA for the RLSA Interagency Technical Advisory Team in conjunction with the workshop or after the notification of intent to designate pursuant to paragraph (4)(a).

(3) Notification of Intent to Designate. The county(ies) must inform the Department in writing of its (their) intent to designate a RLSA prior to transmitting any plan amendments to designate a RLSA. The official notification of intent shall be based on locally specific facts and analysis, shall demonstrate how the RLSA meets the minimum threshold eligibility requirements pursuant to subsection 9J-5.026(5), F.A.C., and shall address and explain the extent to which the RLSA will:

- (a) Enhance rural land values;
- (b) Control urban sprawl;
- (c) Provide necessary open space for agriculture and protection of the natural environment;
- (d) Promote rural economic activity; and
- (e) Maintain rural character and the economic viability of agriculture.

The notification should avoid conclusory statements, generalities, and repetition of statutory language unsupported by a discussion of relevant local facts.

(4) Review of Notification of Intent to Designate.

(a) The Department will provide members of the RLSA Interagency Technical Advisory Team with a copy of the notification notice of intent to designate within five days after receipt of the notification notice. ~~Simultaneously, the Department will inform the RLSA Interagency Technical Advisory Team members of its intent to schedule a site visit to the RLSA.~~

(b) If a site visit was not made prior to the notification of intent to designate, Within ten days after receipt of a notice of intent, the Department will contact the county(ies) and arrange a site visit of the proposed RLSA and surrounding lands within ten days after receipt of the notification of intent. The county(ies) shall ensure proper coordination with the affected landowners. The Department will coordinate the scheduling of the site visit with the members of the RLSA Interagency Technical Advisory Team and request their participation in the site visit.

(c) Members of the RLSA Interagency Technical Advisory Team shall be asked to provide to the Department oral and/or written comments on the proposed RLSA within 30 days of the receipt of the notification of intent to designate or the site visit, if it occurs after the notification. The Department may also request meetings with the members of the RLSA Interagency Technical Advisory Team to discuss and evaluate the

notification notice and site visit. The Department may also request a conference with the county's(ies') staff(s) to discuss issues and questions that have arisen as a result of the site visit, comments from members of the Interagency Technical Advisory Team and other stakeholders, and the Department's evaluation of the RLSA proposal.

(d) Not later than 60 days following the receipt of the notification of intent to designate or the site visit, whichever is later to the proposed RLSA, the Department shall issue a written notification to the county(ies).

(e) The Department's notification shall authorize the county(ies) to proceed with a plan amendment to designate the RLSA or inform the county(ies) of the Department's decision not to authorize. The decision shall be based on the information contained in or gained from the notification, site visit, other agency comments, and other information received. The Department shall authorize the county(ies) to proceed if it determines that the proposed RLSA meets the threshold eligibility requirements of subsection 9J-5.026(5), F.A.C., and that there is a reasonable likelihood that the RLSA will further the principles of rural sustainability. If the Department decides to authorize the county(ies) to proceed with a plan amendment to designate a RLSA, the notification will set forth the facts and any conditions or understandings on which pertaining to the authorization is based, and may include recommendations to the county(ies) regarding the RLSA. The notification will not guarantee that a comprehensive plan amendment(s) to designate a RLSA will be found in compliance by the Department. It will only constitute the Department's authorization to designate a RLSA if the necessary comprehensive plan amendment(s) are adopted and found in compliance pursuant to Section 163.3184, F.S. If the Department decides not to authorize the county(ies) to proceed with a plan amendment to designate a RLSA, the agency's notification will explain the reasons for the decision.

(5) Amendment to the Comprehensive Plan: If authorized to proceed, the county(ies) may prepare and process a plan amendment(s) that will be reviewed by the Department pursuant to Section 163.3184, F.S. The county(ies) may, in preparing the plan amendment(s), establish a local visioning process to facilitate the development of a RLSA plan amendment. The Department encourages the county(ies) to seek and utilize technical assistance from the members of the RLSA Interagency Technical Advisory Team in preparing a RLSA plan amendment.

Specific Authority 163.3177(9), 163.3177(11)(h) FS. Law Implemented 163.3177(11)(d) FS. History--New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-7.0015	Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Inspector or Plans Examiner Certification

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 19, May 9, 2008 issue of the Florida Administrative Weekly.

The changes are in response to written comment submitted by the staff of the Joint Administrative Procedures Committee. When changed, the rule shall read as follows:

61G19-7.0015 Board Approved Comprehensive Initial Training Programs as Alternative Eligibility Requirements for Examination for Building Code Inspector or Plans Examiner Certification.

Applicants seeking initial Inspector or Plans Examiner certification having a minimum of 3 years verifiable experience in construction, as defined in subsection 61G19-1.009(8), F.A.C., shall satisfactorily complete a comprehensive initial training program comprised of a 120 hour core curriculum common to all categories and not less than the following number of hours in the certification category sought:

- (1) Building – 450 hours.
- (2) Electrical – 400 hours.
- (3) Plumbing – 270 hours.
- (4) Mechanical – 270 hours.

The 20 hours required by subsection 468.609(2), F.S., shall be embedded in each category.

Specific Authority 468.606, 468.609 FS. Law Implemented 455.2179, 468.609(2) FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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.: RULE TITLE:
62-621.300 Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 43, October 24, 2008 issue of the Florida Administrative Weekly.

In addition to the below rule amendments, the department has made the following additional changes to the document, Generic Permit for Stormwater Discharge from Large and Small Construction Activities, document number 62-621.300(4)(a), F.A.C.: Part IV.A.3. now reads, "The following non-stormwater discharges are ~~may be~~ authorized by this permit provided the non-stormwater component of the discharge is in compliance with paragraph V.D.5..."; Part V.A. now reads, "Failure to develop and implement a stormwater pollution prevent plan in accordance with the requirements of this part shall be deemed a violation of this permit and the permittee shall be subject to an ~~may result in~~ enforcement action."; Part V.D.2. now reads, "All controls shall be consistent with the performance standards for erosion and sediment control and stormwater treatment as set forth in Rule 62-40.432, F.A.C., the applicable ~~stormwater or~~ environmental resource permitting requirements of the DEP or appropriate WMD relating to performance standards for erosion and sediment control and stormwater treatment, and the guidelines contained in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT, FDEP (2007), incorporated by reference in paragraph 62-621.300(4)(a), F.A.C., and available on the Department's website at <http://www.dep.state.fl.us/water/stormwater/npdes>. ~~Florida Development Manual: A Guide to Sound Land and Water Management (DEP, 1988) and any subsequent amendments.~~"; and Part VIII.B.1.a. now reads, "The Department encourages the electronic submission of NOTs through the NPDES Stormwater Program's electronic permitting application available at <http://www.dep.state.fl.us/water/stormwater/npdes/>."

62-621.300 Permits.

(1) through (3) No change.

(4) Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

(a) The document "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," document number 62-621.300(4)(a), issued by the Department and effective _____ ~~May 1, 2003~~, is hereby incorporated by reference and made a part of this chapter. For use by

permittees in order to comply with permit conditions contained in Part V of the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities," the manual entitled State of Florida Erosion and Sediment Control Designer and Reviewer Manual, FDOT, FDEP (2007), available on the Department's website at <http://www.dep.state.fl.us/water/stormwater/npdes>, is incorporated by reference and made part of this chapter for the purposes of incorporation into the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" only.

(b) Form number 62-621.300(4)(b), Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, effective _____ ~~May 1, 2003~~, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department's website.

~~(c) The "Generic Permit for Stormwater Discharge from Large and Small Construction Activities" shall become effective May 1, 2003. Prior to May 1, 2003, operators initiating activities disturbing five or more acres shall continue to obtain coverage under the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land," and any such activities shall continue to remain covered under the terms of the "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land" until such time as permit coverage is terminated, revoked, or the permittee's five year period of coverage has expired. Effective May 1, 2003, anyone initiating activities that disturb one or more acres of land but less than five acres (small construction), or five or more acres (large construction), shall obtain coverage under the "Generic Permit for Stormwater Discharge from Large and Small Construction Activities." If an operator initiates activities that disturb at least one acre but less than five acres, prior to May 1, 2003, and those activities are ongoing as of May 1, 2003, the operator must file a notice of intent and permit fee to obtain permit coverage under the Generic Permit for Stormwater Discharge from Large and Small Construction Activities by June 1, 2003.~~

(5) Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.

(a) The Department hereby adopts and incorporates by reference Federal Register, Volume 60, Number 189, pages 50804-51319, published on September 29, 1995; Federal Register, Volume 61, Number 28, pages 5248-5254, published on February 9, 1996; Federal Register, Volume 61, Number 34, page 6412, published on February 20, 1996; Federal Register, Volume 63, Number 152, pages 42534-42548, published on August 7, 1998; Federal Register, Volume 63, Number 189, pages 52430-52577, published on September 30, 1998; and,

Federal Register, Volume 64, Number 11, pages 2898-2900, published on January 19, 1999, which shall hereinafter be referred to as the “Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity.” When used in the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, the following shall mean:

1. EPA shall mean the Department of Environmental Protection.

2. Regional Administrator, Director, or State Director, shall mean the Secretary of the Department of Environmental Protection or the Secretary’s designee where appropriate.

(b) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, effective October 22, 2000, is hereby incorporated by reference and made part of this chapter. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(c) Facilities or activities seeking coverage under this generic permit shall apply to the Department on the form referenced in paragraph 62-621.300(5)(b), F.A.C., and in accordance with the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, and shall include the appropriate processing fee as required by Rule 62-4.050, F.A.C.

(d) Form number 62-621.300(5)(b), Notice of Intent to Use Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be submitted either by mail to: Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; or electronically using the Department’s Interactive Notice of Intent (iNOI) at <http://www.dep.state.fl.us/water/stormwater/npdes/>. All other notices, certifications, reports, or any other information required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity, excluding discharge monitoring reports, shall be submitted to Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(e) Discharge monitoring reports (DMRs) required to be submitted under the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity shall be sent to Department of Environmental Protection, NPDES Stormwater MSGP DMR, Mail Station #2511, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(f) The effective date of coverage under this generic permit shall be two (2) days after a complete Notice of Intent is submitted to the Department in accordance with paragraph 62-621.300(5)(c), F.A.C.

(g) Coverage under this generic permit is limited to a term not to exceed five years from the effective date of coverage. Permittees may request continued coverage under this generic permit in accordance with the requirements of paragraph 62-621.300(5)(c), F.A.C. Request for continued coverage shall be made at least two (2) days before expiration of the current coverage.

(6) Form number 62-621.300(6), National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination effective ~~April 20, 2005~~, is hereby incorporated by reference and made a part of this chapter. Facilities or activities seeking to terminate coverage under the generic permits in subsections 62-621.300(4) and (5), F.A.C., as well as the conditional exclusion for “no exposure” of industrial activities and materials to stormwater provided in paragraph 62-620.100(2)(o), F.A.C., shall file a National Pollutant Discharge Elimination System (NPDES) Stormwater Notice of Termination with the Department. This form may be obtained by writing the Department of Environmental Protection, NPDES Stormwater Notices Center, Mail Station #2510, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or from the Department’s website.

(7) No change.

Specific Authority 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877 FS. Law Implemented 373.043, 373.1131, 373.413, 373.414, 373.416, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.08851 FS. History—New 12-24-96, Amended 5-1-97, 2-14-00, 10-22-00, 5-1-03, 12-23-04, 4-20-05, 5-10-05, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.002
 RULE TITLE: Requirements for Certification
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the December 5, 2008 issue of the Florida Administrative Weekly, Vol. 34, No. 49. The date the proposed rule was adopted by the agency head was erroneously given as October 10, 2008. The correct date is August 15, 2008. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C02, Tallahassee, Florida 32399.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly.

This change was made to remedy an omission of an additional subsection to be added to the text which the Board approved at its meeting on August 1, 2008.

The additional subsection being added shall read as follows:

(8) To register for an orthotic or prosthetic internship or residency program, the applicant must submit a completed Registration Form for Orthotic or Prosthetic Internship/Residency Program, form number DH-MQA1126, 11/08, which is available from the Board office or at the Board's website: <http://www.doh.state.fl.us/mqa/OrthPros/index.html>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.100
 RULE TITLE: Requirements for Prosthetic or Orthotic Residency or Internship

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 49, December 5, 2008 issue of the Florida Administrative Weekly.

The above-proposed rule was published in the December 5, 2008 issue of the Florida Administrative Weekly, Vol. 34, No. 49. The date of publishing for the original notice of rule development was erroneously given as October 31, 2008. The correct date is October 24, 2008. The foregoing change does not affect the substance of the proposed rule. The person to be contacted regarding the above change is: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.020
 RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 42, October 17, 2008 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The proposed rule has been changed to include the most current editions of reference materials incorporated by reference. The text of the proposed rule is being reprinted to reflect the changes.

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008 Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), F.S., and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The CPT[®] 2009~~8~~ Current Procedural Terminology Professional Edition, Copyright 2008~~7~~, American Medical Association; the Current Dental Terminology, CDT-2009/2010 ~~2007/2008~~, Copyright 2008~~6~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2009~~8~~", American Medical Association, ~~Twenty-first~~ ~~Twentieth~~ Edition, Copyright 2008~~7~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008 Edition incorporated above, the provider must use a code contained in the CPT[®]-2009~~8~~, CDT-2009/2010 ~~2007/2008~~ or HCPCS-2009~~8~~ as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2008 Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14)(c) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, 11-16-06, 10-18-07,_____.

The remainder of the rule reads as previously published.