

PURPOSE AND EFFECT: The Department proposes to review the entirety of this chapter to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: State and local detention facilities.

SPECIFIC AUTHORITY: 381.006 FS.

LAW IMPLEMENTED: 381.006(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie Harris, Supervisor, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-3250

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

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Accounting and Auditing

RULE NO.: RULE TITLE:

69I-42.003 Forms

PURPOSE AND EFFECT: The purpose of the proposed amendment is to update the Voucher for Reimbursement of Travel Expenses form to reflect changes to Section 112.06, F.S., by Chapter 2006-41, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Updating the Voucher for Reimbursement of Travel Expenses Form for public officers and employees.

SPECIFIC AUTHORITY: 17.075(1), 17.29, 112.061(9) FS.

LAW IMPLEMENTED: 17.075, 112.061 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 5, 2006, 9:00 a.m.

PLACE: Room 430, Fletcher Building, 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: Cheri Greene at (850)413-5593. 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: Cheri Greene, Room 448, Fletcher Building, Tallahassee, Florida 32399-0355, (850)413-5593

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-42.003 Forms.

(1) The Voucher for Reimbursement of Travel Expenses, Form DFS-AA-15, (revised 07/06 ~~06/97~~), is hereby incorporated by reference. Unless an alternative form is approved pursuant to this Section, Form DFS-AA-15 (07/06 ~~06/97~~) shall be used by travelers when requesting claims for reimbursement of travel expenses and shall be prepared in strict compliance with Section 112.061, Florida Statutes. All copies or electronic transmissions of travel vouchers (Form DFS-AA-15 or other approved form) submitted to the Chief Financial Officer for reimbursement of travel expenses shall contain the signatures of the traveler and the official authorizing the travel. Travel vouchers on file at the agency shall contain the original signatures in written or electronic form. Other evidence of approval of the travel voucher by the supervisor will be accepted if a copy or electronic transmission of the travel voucher is not available and would result in an unreasonable delay in reimbursing the traveler.

(2) through (4) No change.

Specific Authority 17.075(1), 17.29, 112.061(9) FS. Law Implemented 17.075, 112.061 FS. History--New 3-5-90, Amended 1-8-95, 12-29-96, 1-7-98, 11-15-98, Formerly 3A-42.003, Amended.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Plant Industry

RULE NO.: RULE TITLE:

5B-2.010 Special Inspection and Certification Fees

PURPOSE AND EFFECT: The purpose of this rule amendment is to raise the fees charged for samples taken for nematode certification from \$30.00 to \$50.00 per sample and fumigation services for loads exceeding 40 cu. ft. from \$300.00 to \$350.00. There would also be a new fee of \$50.00 plus mileage per inspection charged for follow-up quarantine inspections. The effect will enable the Department to recover the cost of providing the special inspection services associated with nematode certification and fumigations. It will also help to recover the costs of performing numerous inspections on regulated articles that were found to be infested with a plant pest and subsequently quarantined.

SUMMARY: This is an updated schedule of prescribed fees for special inspection and certification services provided by the division, when requested by farmers, growers or other interested parties. This includes, but not limited to special

treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities.

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

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

SPECIFIC AUTHORITY: 570.07(13), (23), 581.031(23) FS.

LAW IMPLEMENTED: 581.031(1), (4), (5), (6), (7), 581.083, 581.101, 581.131, 581.141 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: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 5B-2.010 Special Inspection and Certification Fees.

Special inspection and certification services that may be provided by the division, when requested by farmers, growers or other interested parties may include special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities not otherwise specifically provided for by Chapter 581, F.S. Governmental agencies requesting special inspections or permits for research purposes shall be exempt from fees. The prescribed fees for these special inspections and certifications shall be as follows:

Type of Certificate  
Inspection and state of origin  
certificate, Phytosanitary export  
certificate, Phytosanitary reexport  
certificate.<sup>2</sup>

Charge  
Mileage<sup>1</sup> and \$50 minimum per  
inspection.

Form  
DACS-08014<sup>3</sup>, Phytosanitary  
Export Certificate, Revised 3/05  
~~10/99~~.

DACS-08050<sup>3</sup>, Inspection and State  
of Origin Certificate, Revised 4/06.

DACS-08166<sup>3</sup>, Attachment For  
State Phytosanitary Export  
Certificate, Revised 10/04 ~~6/99~~.

DACS-08211<sup>3</sup>, Blueberry  
Certificate, Revised 5/06.

DACS-08212<sup>3</sup>, Apple and Pear  
Maggot Certification, Revised 5/05  
~~8/99~~.

DACS-08046<sup>3</sup>, Mamey Fruit  
Certificate, Revised 5/06.

DACS-08213<sup>3</sup>, Caribfly Fumigation  
Certificate, Revised 5/05 ~~10/99~~.

DACS-08240<sup>3</sup>, Cold Treatment  
Certificate, Revised 5/05 ~~12/99~~.

DACS-08221<sup>3</sup>, California Hydrilla  
Quarantine, Revised 5/05 ~~12/99~~.

DACS-08260<sup>3</sup>, Noxious Weed  
Certification, Revised 9/99.

DACS-08001<sup>3</sup>, Nursery Stock  
Dealer and Special Inspection  
Report,  
Revised 7/05.

Other special inspections.<sup>2</sup>

Mileage and \$50 minimum per inspection.

Follow-Up Quarantine Inspections. No  
charge first inspection.

Mileage and \$50 minimum per inspection.

Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products), and temporary certificate of inspection. Cut Flower, cut fern.	Mileage and \$25 minimum per inspection.	DACS-08014 <sup>3</sup> , Phytosanitary Export Certificate, Revised <u>3/05</u> <del>10/99</del> .
Import inspection for commercial shipments of plants or plant products.	\$10 per acre per crop. Inspection plus mileage, \$25 minimum. Mileage and \$50 per hour per inspection from time of arrival to departure, \$50 minimum.	DACS-08010 <sup>3</sup> , Temporary Certificate of Inspection, Revised <u>3/05</u> <del>7/99</del> .
Growing season field inspection of bulbs, seed, vegetable and tobacco transplants.	\$10 per acre per inspection plus mileage, \$25 minimum.	DACS-08289 <sup>3</sup> , Certificate for Cut Foliage, Flowers & Aquatic Plants, Revised <u>6/05</u> <del>10/99</del> .
Witnessing budwood or graftwood cutting.	Mileage and \$5 per 1000 budeyes cut, \$10 minimum, \$25 maximum.	DACS-08001 <sup>3</sup> , Nursery, Stockdealer & Special Inspection Report, Revised <u>7/05</u> <del>12/99</del> .
Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).	Mileage and \$25 minimum for first 10,000 square feet of growing unit space or less of additional growing space per inspection.	DACS-08159 <sup>3</sup> , Growing Season Inspection Report, Revised <u>10/04</u> <del>11/99</del> .
Nematode Certification.	Mileage and <u>\$50 per sample</u> <del>\$30</del> .	DACS-08237 <sup>3</sup> , Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del> .
		DACS-08172 <sup>3</sup> , Source Tree Bud Cutting Report, Revised <u>5/06</u> <del>10/99</del> .
		DACS-08111 <sup>3</sup> , Certification to Witness Registered Budwood, Revised <u>7/03</u> <del>7/99</del> .
		DACS-08237 <sup>3</sup> , Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del> .
		DACS-08289 <sup>3</sup> , Certificate for Cut Foliage, Flowers & Aquatic Plants, Revised <u>6/05</u> <del>8/99</del> .
		DACS-08290 <sup>3</sup> , Tomato/Tobacco Plant Certificate, Revised 8/99.
		DACS-08038 <sup>3</sup> , Citrus Nursery Stock Inspection Tag, Revised <u>10/03</u> <del>7/99</del> .
		DACS-08048 <sup>3</sup> , Burrowing Nematode Certificate, Revised <u>9/05</u> <del>2/00</del> .
		DACS-08049 <sup>3</sup> , Nematode Certificate of Inspection for Shipping Nursery Stock to California, Revised <u>11/03</u> <del>7/99</del> .
		DACS-08130 <sup>3</sup> , Reniform Nematode Certificate, Revised <u>10/05</u> <del>2/00</del> .
		DACS-08254 <sup>3</sup> , Nematode Certificate of Inspection for Shipping Nursery Stock to California From Stock dealers/Brokers, Revised <u>5/06</u> <del>2/00</del> .
		DACS-08270 <sup>3</sup> , Consolidation Declaration For Florida Nursery Stock Destined To Texas Or Louisiana, Revised <u>11/03</u> <del>12/99</del> .

Fumigation Services.	\$150 per fumigation of loads 40 cu. ft. or less, <del>\$350.00</del> <del>\$300.00</del> per fumigation of loads exceeding 40 cu. ft.	DACS-08207 <sup>3</sup> , Request for Fumigation – Wahneta Facility, Revised <u>4/06</u> <del>4/99</del> . DACS-08099 <sup>3</sup> , Certificate of Treatment, Revised <u>6/03</u> <del>4/00</del> .
Irradiation treatment.	\$200 minimum, \$500 per hour.	
Special Diagnostic fees Entomology.	\$55 per sample.	DACS-08074 <sup>3</sup> , Entomology Specimen Report, Revised 11/99.
Disease specimens.	\$55 per sample.	DACS-08079 <sup>3</sup> , Plant Pathology Specimen Report, Revised 1/00.
Lettuce mosaic samples.	\$90 per sample (\$180 if found positive).	
Nematology roots and soil.	\$25 per sample.	DACS-08077 <sup>3</sup> , Nematode Report, Revised 4/03.
Caribbean fruit fly protocol participation.	\$3.50 per acre per month.	DACS-08161 <sup>3</sup> , Caribbean Fruit Fly Protocol Application For Participation, Revised 4/06. DACS-08233 <sup>3</sup> , Caribbean Fruit Fly Certification Program-Establishment of McPhail Traps, Revised 5/06.
Grades and standards regarding inspections.	Mileage and \$50 per hour per inspector from time of arrival to departure, \$50 minimum.	DACS-08228 <sup>3</sup> Grades and Standards-Regrading Report, Revised <u>6/05</u> <del>4/99</del> .
Permits for importing regulated organisms.	\$12.50 per species not to exceed \$50 per permit.	DACS-08208 <sup>3</sup> , Application and Permit to Move Organisms Regulated By The State Of Florida, Revised <u>5/06</u> <del>04/00</del> .

<sup>1</sup>Mileage shall be based on the prevailing state mileage rate.

<sup>2</sup>There shall be a \$15 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.

<sup>3</sup>All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(23) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 7-27-86, 5-6-87, 11-19-89, 5-17-92, 11-29-95, 4-9-96, 10-8-96, 6-12-00, 3-31-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Danny Phelps, Assistant Bureau Chief of Plant Inspection,  
Division of Plant Industry, Department of Agriculture and  
Consumer Services, P. O. Box 147100, Gainesville, FL  
32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Craig Meyer, Deputy  
Commissioner, Florida Department of Agriculture and  
Consumer Services, The Capital, 400 South Monroe Street,  
Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 3, 2006

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-8 Rules of Procedure – Protection of  
Copyrightable Material

RULE NO.: RULE TITLE:

14-8.003 Protection of Copyrightable Material

PURPOSE AND EFFECT: Repeal of this rule is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The rule is obsolete and not required by statute.

SUMMARY: Rule 14-8.003, F.A.C., is being repealed.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 286.021, 286.031, 334.049 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

14-8.003 Protection of Copyrightable Material.

Specific Authority 334.044 (2) FS. Law Implemented 286.021, 286.031, 334.049 FS. History–New 12-29-75, Amended 4-11-76, Formerly 14-8.03, Amended 8-5-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Conroy, Acting Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-203.101 Canteen Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00, unless an increase up to \$100.00 is approved by the Secretary for special occasions and delete language from the rule relating to investigation and recovery of minor shortages from the operator's salary.

SUMMARY: Amends the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00, unless an increase up to \$100.00 is approved by the Secretary for special occasions and amends the rule to remove language relating to investigation and recovery of minor shortages from the operator's salary.

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

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 ~~\$100.00~~ of canteen merchandise on a weekly basis; unless an increase up to \$100.00 is approved by the Secretary for special occasions.

(3) through (7) No change.

(8) All material shortages of inventory or money at the canteens will be formally investigated by local investigators immediately upon determining that a shortage exists. A formal investigation must include the appointment of an investigating officer and the preparation of records reflecting all aspects of the investigation, including the placement of responsibility for the shortage where possible. If the report reflects negligence on the part of an employee or inmate, the Regional Director or warden will recoup the shortage from that person or persons. If the investigation and any subsequent action does not result in recoupment of the shortage, the report will be forwarded to the

Inspector General in Central Office for further disposition. Disciplinary action will be taken against inmates found to be negligent. ~~All minor shortages, that is, those which can be recovered from the operator's salary, shall be investigated to the extent necessary to satisfy both the canteen operator and the business office staff as to the apparent cause of the shortage.~~

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04, 6-16-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Millie Seay, Director of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia "Tina" Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

## DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201  
RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces.

SUMMARY: Amends the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces.

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

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

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases \$1.00 for each weekly draw, and \$0.50 for each deposit and each special withdrawal. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces.

(2) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Millie Seay, Director of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia "Tina" Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

## WATER MANAGEMENT DISTRICTS

### St. Johns River Water Management District

RULE NOS.: 40C-4.091  
RULE TITLES: Publications Incorporated by Reference

40C-4.301 Conditions for Issuance of Permits  
40C-4.900 Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the "Wekiva Recharge Protection Basin," (2) amend and update the environmental resource permit ("ERP") application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (3) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require

an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (4) repeal from the Wekiva River Hydrologic Basin the recharge criteria and "Most Effective Recharge Areas" (which areas will be superseded by the new Wekiva Recharge Protection Basin), (5) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin, (6) amend and update the list of type "A" soils (as defined by the Natural Resources Conservation Service Soil Survey) that are located within the Wekiva Recharge Protection Basin, (7) update cites to reference guides on erosion and sediment control plans (including best management practices), and (8) create a legal description for the Wekiva Recharge Protection Basin, which is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes (2005). The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current ERP rule criteria and terminology, (3) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (4) delete the recharge criteria and "Most Effective Recharge Areas" from the Wekiva River Hydrologic Basin, (5) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin, (6) update the list of type "A" soils where Wekiva recharge criteria apply, (7) update the reference guides on erosion and sediment control plans, and (8) describe the legal boundaries of the Wekiva Recharge Protection Basin.

**SUMMARY:** The proposed rule amendments would create the "Wekiva Recharge Protection Basin" in sections 11.0(d) and 11.3, Figure 11.3-2, and Appendix K of the Applicant's Handbook (A.H.), amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in section 11.3.1, A.H., repeal the recharge criteria and "Most Effective Recharge Areas" from the Wekiva River Hydrologic Basin in section 11.3.1 and Figure 11.3-2, A.H., amend and update the list of type "A" soils in section 18.1, A.H., and update reference guides on erosions and sediment control plans in section 18.4, A.H.

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

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

**SPECIFIC AUTHORITY:** 369.318, 373.044, 373.113, 373.418 FS.

**LAW IMPLEMENTED:** 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

**IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

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

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin." Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective 2-1-05.

(b) through (c) No change.

(2) No change.

Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05,\_\_\_\_\_.

40C-4.301 Conditions for Issuance of Permits.

(1) through (3) No change.

Specific Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 1-31-77, Formerly 161-4.10 and 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01,\_\_\_\_\_.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (*Effective date*) ~~10-3-95~~.

(2) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History—New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05,\_\_\_\_\_.

APPLICANT'S HANDBOOK SECTION:

11.0 Basin Criteria

Chapter 40C-41, F.A.C., and this section establish additional criteria which are to be used in reviewing applications for permits in certain hydrologic basins. These basins are:

- (a) Upper St. Johns River Hydrologic Basin
- (b) Ocklawaha River Hydrologic Basin
- (c) Wekiva River Hydrologic Basin
- (d) Wekiva Recharge Protection Basin
- ~~(e)(d)~~ Econlockhatchee River Hydrologic Basin
- ~~(f)(e)~~ Tomoka River Hydrologic Basin
- ~~(g)(f)~~ Spruce Creek Hydrologic Basin
- ~~(h)(g)~~ Sensitive Karst Areas Basin
- ~~(i)(h)~~ Lake Apopka Hydrologic Basin

See Figure 11.0-1 for a description of the areas contained within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin and the Spruce Creek Hydrologic Basin. See Figures 11.0-2, 11.0-3, and 11.0-4 for a description of the areas contained within the Sensitive Karst Areas Basin. See Figure 11.0-5 for a description of the areas contained within the Lake Apopka Hydrologic Basin. A legal description of the Hydrologic Basin boundaries is available in Appendix K.

11.2 No change.

11.3 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin

In addition to the standards and design criteria described in sections 9.0 and 10.0 above, systems in the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin (which are both shown in Figure 11.3-2) must meet the following standards and criteria as described below:

11.3.1 Recharge Standard

Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type "A" Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (*effective date*). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type "A" soils.



~~Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from the directly connected impervious area within the project area. Applicants may instead demonstrate that the post development recharge will be equal to or greater than the predevelopment recharge. Most Effective Recharge Areas have been defined by the U.S. Geological Survey as areas which have 10-20 inches of recharge per year. Figure 11.3-2 shows the approximate location of Most Effective Recharge Areas in the Wekiva Basin. Most Effective Recharge Areas can be more accurately defined by soil types. The Soil Conservation Service has categorized soils according to hydrologic characteristics. Those soils determined by the SCS to be Type "A" Hydrologic Soil Group shall be considered to be Most Effective Recharge Areas. Section 18.1 contains a list of Type "A" soils. This list will be used to determine whether a proposed project or portion of a project is in the Most Effective Recharge Area. Also, applicants may submit additional~~

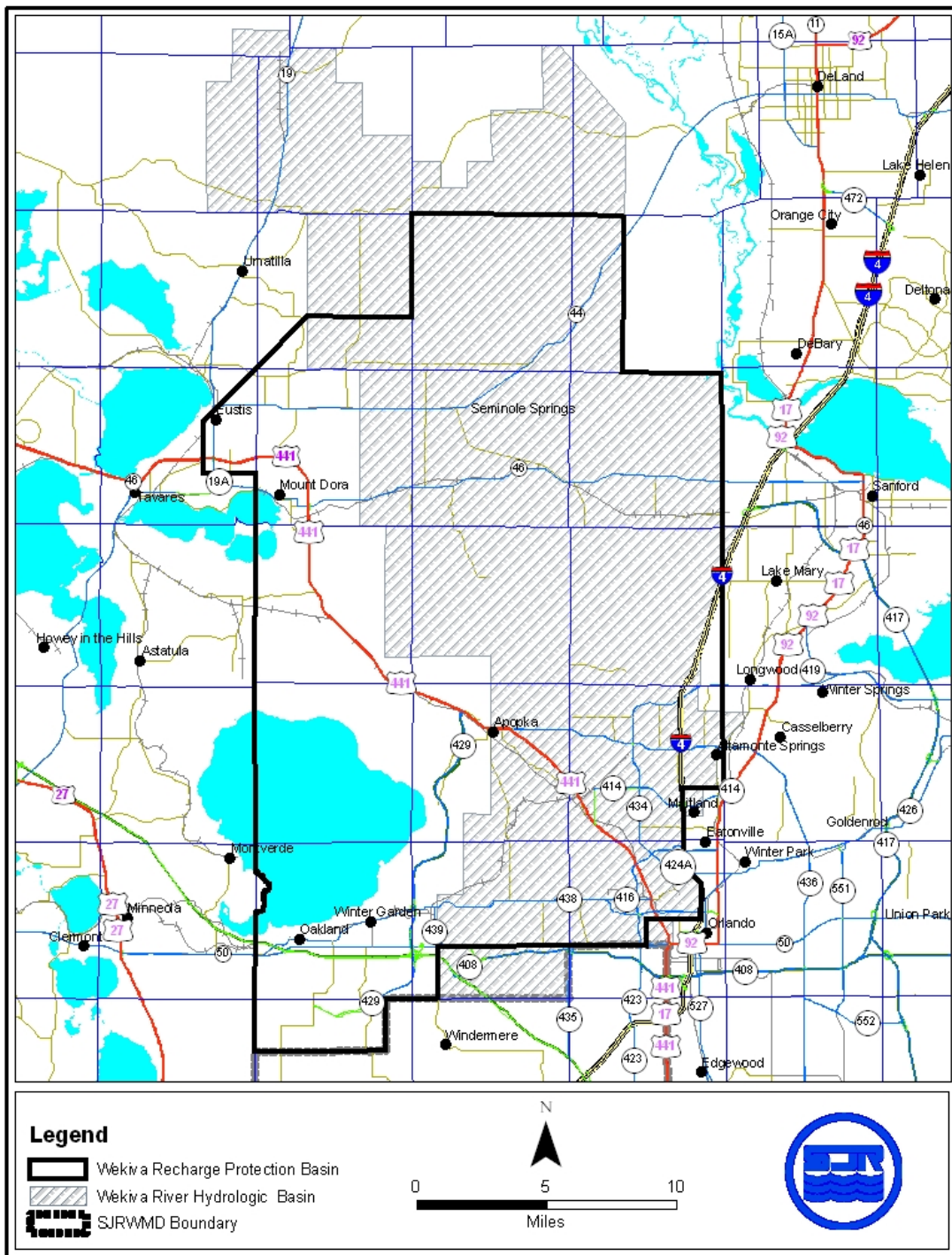
~~geotechnical information to establish whether or not a site contains Type "A" soils and is within the Most Effective Recharge Area.~~

~~Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.~~

#### 11.3.2 Storage Standard

~~Within the Wekiva River Hydrologic Basin, a~~A system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other watercourse which has a drainage area upstream of more than one square mile and which has a direct hydrologic connection to the Wekiva or Little Wekiva Rivers or Black Water Creek.

Figure 11.3-2 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



### 11.3.3 Standards for Erosion and Sediment Control and Water Quality

Construction and alteration of systems can result in erosion and downstream turbidity and sedimentation of waters. Erosion is the process by which the land surface is worn away by action of wind, water, and gravity. During construction and alteration, the potential for erosion increases dramatically. The result of erosion is discharges of turbid water and subsequent sedimentation (settling out) of soil particles in downstream receiving waters. Turbidity, suspended solids, and sedimentation result in adverse biological effects in aquatic and wetland environments, water quality degradation, and loss of flood storage and conveyance. The potential for erosion can be severe in the Wekiva River Hydrologic Basin as a result of steep slopes and erosive soils.

(a) Although erosion and sediment control measures are required throughout the St. Johns River Water Management District, the District has determined that the problems associated with erosion in the Wekiva River Hydrologic Basin are sufficiently serious to warrant requiring those applicants proposing certain systems to provide detailed plans when permit applications are submitted.

A Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

An erosion and sediment control plan must be submitted as part of the surface water management permit application for a surface water management system which:

1. and 2. No change.

The applicant proposing such a system must give reasonable assurance in the erosion and sediment control plan that during construction or alteration of the system (including revegetation and stabilization), erosion will be minimized and sediment will be retained on-site. The plan must be in conformance with the erosion and sediment control principles set forth in section 18.2, Applicant's Handbook: Management and Storage of Surface Waters, and must contain the information set forth in section 18.3, Applicant's Handbook: Management and Storage of Surface Waters.

(b) No change.

### 11.3.4 Standard for Limiting Drawdown

Lowering the ground water table adjacent to wetlands can change the wetland hydroperiod such that the functions provided by the wetland are adversely affected.

Within the Wekiva River Hydrologic Basin, a Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d) is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extent of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions.

It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

### 11.3.5 Standard for Riparian Wildlife Habitat

Within the Wekiva River Hydrologic Basin, tThe wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

(a) through (c) No change.

### 11.3.6 No change.

### 18.0 Additional Wekiva River Hydrologic Basin, Tomoka River Hydrologic Basin, and Spruce Creek Hydrologic Basin Criteria

- 18.1 Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. Soil Types Within Most Effective Recharge Area

**Flagler County**

Astatula  
Bulow  
Cocoa  
Orsino  
Palm Beach ~~Sand~~  
Paola  
Tavares  
Welaka

**Lake County**

Apopka  
Apopka Urban Land  
Astatula ~~Sand~~  
Candler  
Candler Urban Land  
Kendrick  
Lake  
Lake Urban Land  
Orlando  
Orsino  
Paola ~~Sand~~  
Paola Urban Land  
St. Lucie  
St. Lucie Urban Land  
Tavares ~~Sand~~  
Tavares Urban Land  
~~Ocala National Forest~~  
~~Astatula Sand~~

~~Paola Sand~~

**Orange County**

Archbold  
Apopka  
Candler  
Candler Urban Land  
Florahome  
Florahome Urban Land  
Lake  
Millhopper  
Millhopper Urban Land  
St. Lucie

St. Lucie Urban Land

Tavares

Tavares Urban Land

~~Blanton Fine Sand~~

~~Blanton and Esotorine Sands~~

~~Eustis Fine Sand~~

~~Lakeland Fine Sand~~

~~Orlando Fine Sand~~

~~St. Lucie Fine Sand~~

**Seminole County**

Apopka

Astatula

Millhopper

Paola

St. Lucie

Tavares

~~Blanton Fine Sand~~

~~Lakeland Fine Sand~~

~~Lakewood Sand~~

~~St. Lucie Fine Sand~~

**Volusia County**

Apopka

Arents

Astatula

Astatula Urban Land

Bulow

Cocoa

Cocoa Urban

Deland

Orsino

Palm Beach

Palm Beach Urban Land

Paola

Paola Urban Land

St. Lucie

Tavares

18.2 and 18.3 No change.

18.4 References For Erosion and Sediment Control

The following references provide detailed information on erosion and sediment control plans, including standards and specifications for specific best management practices:

(a) Florida Department of Environmental Regulation, The Florida ~~Land~~ Development Manual: A Guide to Sound Land and Water Management (FDER 1988 Draft). Chapter 6. Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas.

(b) Goldman, Jackson and Bursztynsky, 1986. Erosion and Sediment Control Handbook. McGraw-Hill Book Company. New York.

(c) Florida Department of Transportation (FDOT), and Florida Department of Environmental Protection (FDEP), The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (FDEP and FDOT 1999) Florida Roadway and Traffic Design Standards.

#### APPENDIX K LEGAL DESCRIPTION

##### WEKIVA RECHARGE PROTECTION BASIN<sup>1</sup>

Begin at the northwest corner of Section 6, Township 18 South, Range 28 East, Lake County, Florida, said corner lying on the north line of Township 18 South; thence Easterly along said north line of Township 18 South to the northeast corner of Section 5, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 5 to the northeast corner of Section 8, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 8 to the northeast corner of Section 17, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 17 to the northeast corner of Section 20, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 20 to the northeast corner of Section 29, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 29 to the northeast corner of Section 32, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 32 to the southeast corner thereof, said corner lying on the south line of Township 18 South; thence Easterly along the south line of said Township 18 South to an intersection with the east line of Range 29 East; thence Southerly along the east line of said Range 29 East to the southeast corner of Section 24, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 23, to an intersection with the centerline of Interstate Highway No. 4; thence generally Southerly along the centerline of Interstate Highway No. 4 to an intersection with the south line of Section 13, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 13 to the southeast corner of Section 14, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 14 to the southeast corner of Section 15, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 15 to the northeast corner of Section 21, Township 22 South, Range 29 East; thence Southerly along the east line of said Section 21 to an intersection with the centerline of State Road No. 50;

thence Westerly along the centerline of said State Road No. 50 to the northeast corner of Section 30, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 30 to the northeast corner of Section 31, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 31 to the southeast corner thereof, said corner lying on the south line of Township 22 South; thence Westerly along said south line of Township 22 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 2 to the northeast corner of Section 11, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 11 to the southeast corner thereof; thence Westerly along the south line of said Section 11 to the southeast corner of Section 10, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 10 to the southeast corner of Section 9, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 9 to the Southeast corner of Section 8, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence

<sup>1</sup>This legal description is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes.

Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

## WATER MANAGEMENT DISTRICTS

### St. Johns River Water Management District

RULE NO.: 40C-40.900      RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend and update the environmental resource permit ("ERP") application form to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology.

SUMMARY: The proposed rule amendment would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1).

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

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

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

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

#### 40C-40.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:

St. Johns River Water Management District,  
Division of Permit Data Services,  
4049 Reid Street,  
Palatka, Florida 32177-2529.

St. Johns River Water Management District,  
7775 Baymeadows Way, Suite 102,  
Jacksonville, Florida 32256.

St. Johns River Water Management District,  
975 Keller Road,  
Altamonte Springs, Florida 32714-1618.

St. Johns River Water Management District,  
525 Community College Pkwy, S.E.  
Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (Effective date) 40-3-95.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History—New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 5, 2006

## WATER MANAGEMENT DISTRICTS

### St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-41.011	Policy and Purpose
40C-41.023	Basin Boundaries
40C-41.033	Implementation
40C-41.043	Application of Chapter
40C-41.063	Conditions for Issuance of Permits

**PURPOSE AND EFFECT:** The purposes of this proposed rule amendment are to (1) create the "Wekiva Recharge Protection Basin," (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) repeal from the Wekiva River Hydrologic Basin the recharge criteria and "Most Effective Recharge Areas" (which areas will be superceded by the new Wekiva Recharge Protection Basin), and (4) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin. The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) delete the recharge criteria from the Wekiva River Hydrologic Basin, and (4) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin.

**SUMMARY:** The proposed rule amendments would create the "Wekiva Recharge Protection Basin" in Rules 40C-41.011, 40C-41.023(4), 40C-41.033, 40C-41.043, F.A.C., and Figure 41-6, create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in paragraph 40C-41.063(3)(a), F.A.C., repeal the existing recharge criteria from the Wekiva River Hydrologic Basin rules in paragraph 40C-41.063(3)(a), F.A.C., and create a requirement that the new Wekiva recharge criteria will also apply to stormwater management systems requiring permits pursuant to Rules 40C-42.022 or 40C-44.041, F.A.C., respectively in subsections 40C-41.043(5)-(6), F.A.C.

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

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

**SPECIFIC AUTHORITY:** 369.318, 373.044, 373.113, 373.418 FS.

**LAW IMPLEMENTED:** 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS.

**IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, A PUBLIC HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386) 329-4450 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

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

#### 40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic Basin, which insure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimizes adverse impacts to the water resources of the District. Standards and criteria delineated in this chapter are in addition to those criteria specified in Chapters 40C-4, 40C-40, 40C-42, and 40C-44, F.A.C., in accordance with Rule 40C-41.043, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to

supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03,\_\_\_\_\_.

40C-41.023 Basin Boundaries.

(1) through (2) No change.

(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and 41-6 and defined in Applicant's Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

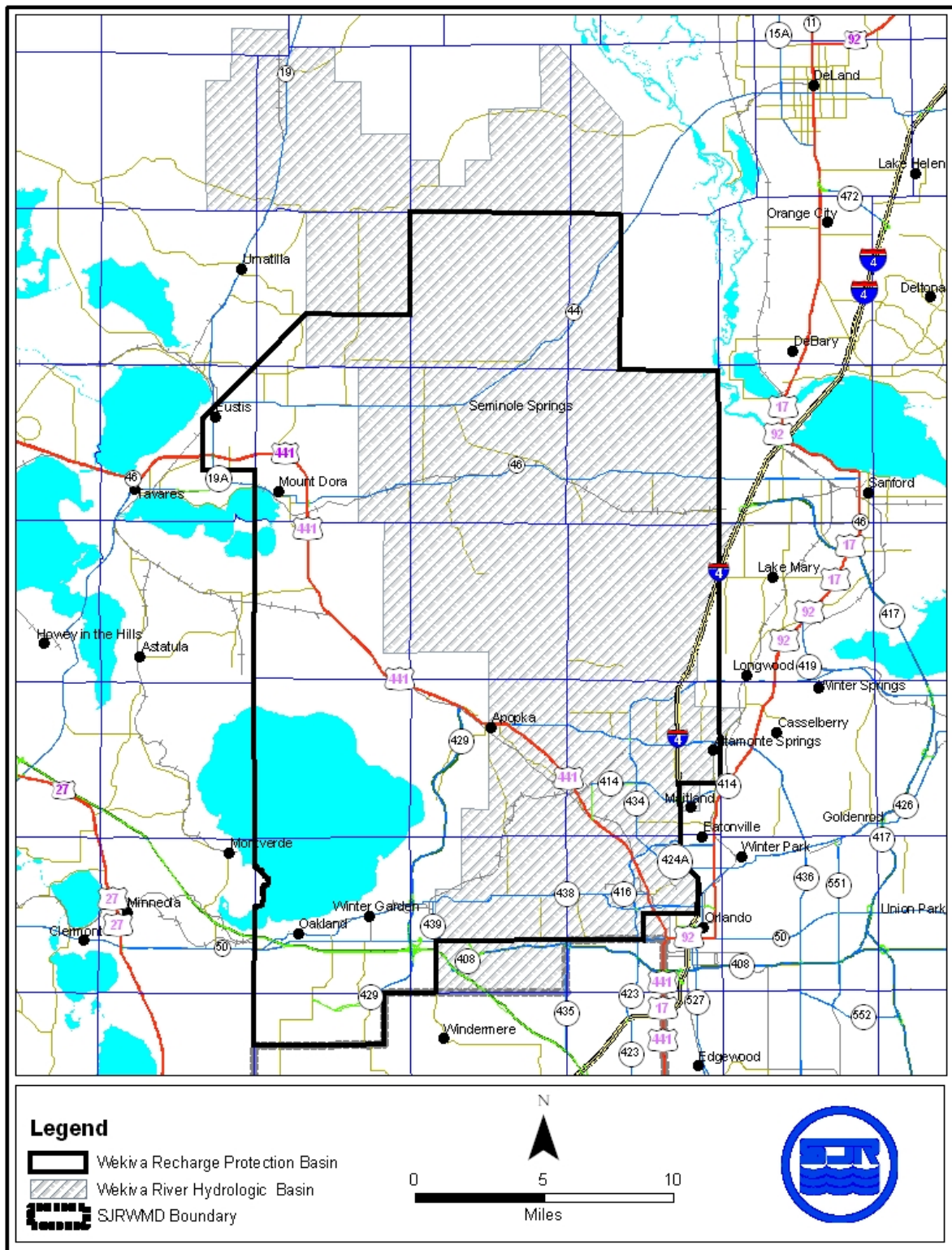
(4) The Wekiva Recharge Protection Basin is that area generally depicted in Figure 41-6 and defined in Applicant's Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) through (7) renumbered (5) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.316, 369.318, 373.413, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98, 3-07-03,\_\_\_\_\_.



Figure 41-6 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



## 40C-41.033 Implementation.

The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; (effective date) for the standards and criteria in paragraph 40C-41.063(3)(a), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(b), F.A.C.; August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; September 25, 1991 for the criteria of subsection 40C-41.063(7), F.A.C.; November 25, 1998, 11-25-98 for the criteria of subsection 40C-41.063(6), F.A.C.; and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 11-11-03,\_\_\_\_\_.

## 40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to Rule 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rules 40C-41.063, and either 40C-4.301 and 40C-4.302, or 40C-40.302, F.A.C., unless specifically exempted in Rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) through (4) No change.

(5) Stormwater management systems requiring permits pursuant to Rule 40C-42.022, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-42.023, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

(6) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, 3-7-03,\_\_\_\_\_.

## 40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin, the following standards and criteria are established:

(a) Recharge Standard – Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. Section 18.1 contains a list of Type “A” soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils. Three inches of runoff from all directly connected impervious areas must be retained within the project area for projects or portions of projects in Most Effective Recharge Areas. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.

(b) Storage Standard – Within the Wekiva River Hydrologic Basin, a system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other water course which has a drainage area of more than one square mile and which has a direct hydrologic connection to Little Wekiva River, Wekiva River, or Black Water Creek.

(c) Standards for Erosion and Sediment Control and Water Quality – Within the Wekiva River Hydrologic Basin, a Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436,

Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

1. through 3. No change.

(d) Standard for Limiting Drawdown – Within the Wekiva River Hydrologic Basin, ~~a~~ A Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d), F.A.C., is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extend of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions. It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

(e) Standard for Riparian Wildlife Habitat Within the Wekiva River Hydrologic Basin

1. through 3. No change.

(4) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

## WATER MANAGEMENT DISTRICTS

### St. Johns River Water Management District

RULE NOS.:

40C-42.023

40C-42.091

40C-42.900

RULE TITLES:

Requirements for Issuance

Publications Incorporated by

Reference

Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) amend and update the environmental resource permit ("ERP") application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) update Sections 3.3.1(b) and 3.3.2(f) of the Applicant's Handbook (A.H.) to reflect the current threshold in paragraph 40C-42.022(1)(b) and 3.3.2(f), F.A.C., (4) update section 3.3.2(f), A.H., to reflect the current threshold in paragraph 40C-42.022(2)(f), F.A.C., (5) update Sections 11.1, 13.1, and 15.1, A.H., to reference current Chapter 62-555, F.A.C., and (6) update sections 14.3 and 14.4, A.H., to reflect the current wet detention design and performance criteria in paragraphs 40C-42.026(4)(b) and (4)(g), F.A.C. The effects of the proposed amendment are to (1) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current Stormwater ERP rule criteria and terminology, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) update existing Stormwater ERP thresholds and criteria to reflect current thresholds and criteria in Chapter 40C-42, F.A.C., and (4) update references to current Chapter 62-555, F.A.C.

SUMMARY: The proposed rule amendments would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring a Stormwater ERP in paragraph 40C-42.023(1)(d), F.A.C., update Stormwater ERP thresholds in sections 3.3.1(b) and 3.3.2(f), A.H., to reflect current thresholds, update references to current Chapter 62-555, F.A.C., update wet detention design and performance criteria in sections 14.3 and 14.4, A.H., to reflect current design and performance criteria.

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

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

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-42.023 Requirements for Issuance.

(1) To receive a standard general or individual permit under this chapter the applicant must provide reasonable assurance based on plans, test results and other information, that the stormwater management system:

(a) through (c) No change.

(d) Meets any applicable basin criteria contained in paragraph 40C-41.063(3)(a), and subsections (7), and (8), F.A.C.

(2) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New 9-25-91, Amended 3-21-93, 10-3-95, 3-7-03,\_\_\_\_\_.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled

"Applicant's Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.", effective ~~2-1-05~~.

(2) through (3) No change.

Specific Authority 369.318, 120.54(8), 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History--New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05,\_\_\_\_\_.

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from:

Department of Resource Management  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, Florida 32177-2529.

(1) Joint Application For Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit , form number 40C-4.900(1), ~~revised 2-1-05~~ adopted (Effective date) ~~10-3-95~~.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461, 403.0877 FS. History--New 5-30-90. Amended 9-25-91, 3-21-93, 2-27-94, 10-3-95, 10-11-01, 2-1-05,\_\_\_\_\_.

## APPLICANT'S HANDBOOK SECTION:

### 3.3 Permit Thresholds

#### 3.3.1 New Stormwater Management Systems

A standard general or individual environmental resource stormwater permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

(a) No change.

(b) Construction of 9,000 ~~5,000~~ square feet total or more of building area or other impervious surface area not subject to vehicular traffic.

(c) No change.

#### 3.3.2 Existing Stormwater Management Systems

A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (e) No change.

(f) Construction of 9,000 ~~5,000~~ square feet or more of ~~building area or other~~ impervious surface area ~~not subject to vehicular traffic~~.

(g) No change.

## 8.0 Criteria for Evaluation

8.1 through 8.4 No change.

### 8.5 Surface Water Management Basin Criteria

Chapter 40C-41, F.A.C., establishes additional criteria which are used in reviewing applications for permits in certain hydrologic basins. The ~~three~~ ~~two~~ basins in the District which have additional criteria for chapter 40C-42, F.A.C., are the Sensitive Karst Basin, ~~and~~ the Lake Apopka Hydrologic Basin, and the Wekiva Recharge Protection Basin. The sensitive Karst Basin covers western Alachua and western Marion counties (See Figures 9.4, 9.5, and 9.6). The design criteria for the Sensitive Karst Basin are discussed in section 9.11 of this handbook. The Lake Apopka Hydrologic Basin covers Western Orange and eastern Lake Counties (see Figure 41-5 in Chapter 40C-41, F.A.C.). The design criteria for the Lake Apopka Hydrologic Basin are discussed in Subsections 40C-41.043(3) and 40C-41.063(8), F.A.C. The Wekiva Recharge Protection Basin covers eastern Lake, western Orange, western Seminole, and western Volusia Counties (see Figure 41-6 in Chapter 40C-41, F.A.C.) The design criteria for the Wekiva Recharge Protection Basin are discussed in subsection 40C-41.043(5) and paragraph 40C-41.063(3)(a), F.A.C.

## 11.0 Design Criteria and Guidelines for Retention Systems

### 11.1 Description

Retention system is defined as a storage area designed to store a defined quantity of runoff, allowing it to percolate through permeable soils into the shallow ground water aquifer. Stormwater retention works best using a variety of retention systems throughout the project site. Examples of retention systems include:

- Man-made or natural depressional areas where the floor is graded as flat as possible and turf is established to promote infiltration and stabilize the basin slopes (see Figure 11-1)
- Shallow landscaped areas designed to store stormwater
- Vegetated swales with swale blocks or raised inlets
- Pervious concrete with continuous curb

Soil permeability and water table conditions must be such that the retention system can percolate the desired runoff volume within a specified time following a storm event. After drawdown has

been completed, the basin does not hold any water, thus the system is normally "dry." Unlike detention basins, the treatment volume for retention systems is not discharged to surface waters.

Retention systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile.

Retention systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment facilities to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, retention systems can be utilized to promote the recharge of ground water to prevent saltwater intrusion in coastal areas or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant's Handbook: Management and Storage of Surface Waters). Retention systems can also be used to meet the runoff volume criteria for projects requiring a permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant's Handbook: Management and Storage of Surface Waters).

There are several design and performance criteria specific to retention systems which are described below.

11.2 through 11.6 No change.

## 13.0 Exfiltration Trench Design and Performance Criteria

### 13.1 Description

Exfiltration trench is a subsurface system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff (Figure 13-1). Stormwater passes through the perforated pipe and infiltrates through the trench walls and bottom into the shallow groundwater aquifer. The perforated pipe increases the storage available in the trench and helps promote infiltration by making delivery of the

runoff more effective and evenly distributed over the length of the system (Livingston et al. 1988). Generally, exfiltration trench systems are utilized where space is limited and/or land costs are high (i.e., downtown urban areas).

Soil permeability and water table conditions must be such that the trench system can percolate the required stormwater runoff treatment volume within a specified time following a storm event. The trench system is returned to a normally "dry" condition when drawdown of the treatment volume is completed. Like retention basins, the treatment volume in exfiltration trench systems is not discharged to surface waters. Thus, exfiltration is considered a type of retention system.

Like other types of retention systems, exfiltration trench systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the soil profile. Exfiltration trench systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment systems to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, exfiltration trench systems can be utilized to promote the recharge of ground water and to prevent saltwater intrusion in coastal areas, or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant's Handbook: Management and Storage of Surface Waters). Exfiltration trench systems can also be used to meet the runoff volume criteria for projects requiring an environmental resource permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant's Handbook: Management and Storage of Surface Waters).

The operational life of an exfiltration trench is believed to be short (possibly 5 to 10 years) for most exfiltration systems. Sediment accumulation and clogging by fines can reduce the life of an exfiltration trench (Wanielista et al. 1991). Total

replacement of the trench may be the only possible means of restoring the treatment capacity and recovery of the system. Periodic replacement of the trench should be considered routine operational maintenance when selecting this management practice.

13.2 through 13.11 No change.

#### 14.0 Wet Detention Design and Performance Criteria

14.1 and 14.2 No change.

##### 14.3 Recovery Time

The outfall structure should be designed to drawdown one-half the required treatment volume within 24 and 30 ~~between 48 and 60~~ hours following a storm event, but no more than one-half of this volume will be discharged within the first 24 hours.

14.4 The outlet structure generally includes a drawdown device (such as an orifice, "V" or square notch weir) set to establish a normal water control evaluation and slowly release the treatment volume (see Figures 14-2 and 14-3 for schematics). The design of the outfall structure must also accommodate the passage of groundwater baseflows and flows from upstream stormwater management systems (see Figure 14-4).

The control elevation should be set at or above the design tailwater elevation so the pond can effectively recover the treatment storage. Also, drawdown devices smaller than 6 square 3 inches of cross-section area that is 2 inches wide ~~minimum width~~ or less than 20 degrees for "V" notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, screens, and pipe elbows.

14.5 through 14.14 No change.

#### 15.0 Design Criteria and Guidelines for Swale Systems

##### 15.1 Description

Swales are a man-made or natural system shaped or graded to required dimensions and designed for the conveyance and rapid infiltration of stormwater runoff. Swales are designed to infiltrate a defined quantity of runoff through the permeable soils of the swale floor and side slopes into the shallow ground water aquifer (Figure 15-1). Turf is established to promote infiltration and stabilize the side slopes. Soil permeability and water table conditions must be such that the swale can percolate the desired runoff volume from the 3-year, 1-hour storm event. The swale holds water only during and immediately after a storm event, thus the system is normally "dry." Unlike retention basins, swales are "open"

conveyance systems. This means there are no physical barriers such as berms or check-dams to impound the runoff in the swale prior to discharge to the receiving water.

Swales provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile. Swale systems should not be located in close proximity to drinking water supply wells. As required by chapter 62-~~55522~~, F.A.C., stormwater treatment facilities must be at least 100 feet from any public supply well. Additional design criteria are established for swale systems constructed in Karst Sensitive Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, swale systems can be utilized to promote the recharge of groundwater to prevent saltwater intrusion in coastal areas, and to maintain ground water levels in aquifer recharge areas. Swales can be incorporated into the design of a stormwater management system to meet the recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant's Handbook: Management and Storage of Surface Waters) or the runoff volume criteria for projects requiring permits under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant's Handbook: Management and Storage of Surface Waters).

Swales can also be utilized to provide pre-treatment of runoff prior to its release to another treatment BMP such as wet detention (see section 14.11) or wetlands stormwater management systems (see section 16.4). Pre-treatment reduces the pollutant loading to the downstream treatment system, increases the pollutant efficiency of the overall stormwater management system, and reduces maintenance. In some cases, pre-treatment may be used to meet the additional treatment criteria for discharges to sensitive receiving waters (Class I, Class II, and OFWs). For developments where the appearance of the downstream system (i.e., wet detention lake) is important, pre-treatment can reduce the probability of algal blooms occurring and slows the eutrophication process.

The design and performance criteria specific to swale systems are described in the following sections.

15.2 through 15.5 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

## WATER MANAGEMENT DISTRICTS

### St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.065	Performance Standards
40C-44.091	Publications Incorporated by Reference
40C-44.101	Content of Application
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendments are to: (1) create a requirement that agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must meet the Wekiva recharge criteria proposed as part of a separate rule amendment, and (2) amend and update the environmental resource permit (ERP) application forms for agricultural systems to reflect both the new criteria for the Wekiva Recharge Protection Basin and current Agriculture ERP criteria.

SUMMARY: The proposed rule amendments would require that agricultural systems that will be located in the Wekiva Recharge Protection Basin meet the Wekiva recharge criteria, and would amend and update the Agricultural ERP application forms.

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

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

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.416, 383.418, 373.426, 373.461 FS.



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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-44.065 Performance Standards.

(1) through (4) No change.

(5) Agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant's Handbook: Management and Storage of Surface Waters.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.016, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 3-7-03,\_\_\_\_\_.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems, effective, \_\_\_\_\_ 3-7-03.

(a) through (b) No change.

(2) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented, 369.318, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History--New 10-20-92. Amended 7-4-93, 10-3-9, 11-1-99, 4-10-02, 3-7-03,\_\_\_\_\_.

40C-44.101 Content of the Application.

(1) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.146, 373.416, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 10-3-95,\_\_\_\_\_.

40C-44.900 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference. They have been approved by the Governing Board and are available upon request from: District Headquarters, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529.

(1) Individual Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(1), adopted (Effective date) 10-3-95.

(2) Standard General Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(2), adopted (Effective date) 10-3-95.

(3) No change.

Specific Authority 120.53(1), 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented 120.52(16), 120.53(1), 369.318, 373.103, 373.413, 373.416, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 10-3-95,\_\_\_\_\_.

APPLICANT'S HANDBOOK SECTION:

10.2 Harm to the Water Resources Criteria

10.2.1 through 10.2.6 No change.

10.2.7 Agricultural surface water management systems requiring a permit that will be located within the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant's Handbook: Management and Storage of Surface Waters.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

RULE TITLE:

59G-4.110

Hearing Services

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006. The handbook revisions include Medicaid coverage for hearing aids and cochlear implants for



recipients age 21 and older, the policy that Medicaid reimburses for only one cochlear implant in either ear, policy clarifications, and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006.

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

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.906, 409.907, 409.908 FS.

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

DATE AND TIME: Monday, September 18, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, ~~July 2006, January 2004, updated January 2005 1 and January 2005 2,~~ which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2006

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NO.:

61B-75.002

RULE TITLE:

Electronic Transmission of Notices

PURPOSE AND EFFECT: The Legislature enacted changes to the Cooperative Act (Chapter 719, Florida Statutes) that permits the use of electronic transmission for purposes of noticing elections and certain meetings with the prior consent of unit owners. The new rule defines "electronic transmission," provides for the association's adoption of bylaws for the electronic notice of meetings and for providing notice when it decides to stop noticing meetings by electronic transmission, describes the method by which unit owners may consent and revoke consent, delivery of notices and attachments, receipt of an electronic transmission, and provides that electronic addresses and other information is part of the association's official records unless the owner has revoked consent to the use of electronic transmissions.

SUMMARY: This proposed rule addresses the noticing of cooperative elections and meetings through the use of electronic transmission.

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

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

SPECIFIC AUTHORITY: 719.501(1)(f), 719.106(1)(d)1. FS.

LAW IMPLEMENTED: 719.104(2)(a)5., 719.106(1)(c), 719.106(1)(d), 719.106(1)(d)1., 719.106(1)(d)3., 719.106(1)(e)1., 719.106(2)(c) 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 11, 2006, 9:00 a.m.

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

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT

ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/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 by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 RULE IS:

61B-75.002 Electronic Transmission of Notices.

(1) Definitions. "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.

(2) Association Notices.

(a) Associations may opt to deliver meeting notices by electronic transmission by following these rules or by adopting bylaws that are consistent with these requirements.

(b) Associations that decide to stop delivery of notices by electronic transmission shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. Associations must mail the notice to those owners whose consent has been revoked or was never given.

(3)(a) Consent and Revocation of Consent. In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the shareholder of record. Consent or revocation of consent may be delivered to the association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.

(b) Delivery of Consent or Revocation of Consent. Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or manager of the association, or by the association's registered agent. Unless otherwise agreed to by an association in advance of delivery of any consent or revocation of consent, delivery to an attorney who has represented the association in other legal matters will not be effective unless that attorney is also a board member, officer, or registered agent of the association.

(c) Automatic Revocation of Consent. Consent shall be automatically revoked if the association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the association becomes aware of such electronic failures.

(4) Attachments and Other Information. In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law. For example, but not by way of limitation, the second notice of election provided by sub-paragraph 719.106(1)(d)1., Florida Statutes, must contain a second notice of the election along with the ballot and any valid candidate information sheets that are timely received. As a further example, electronic transmission of the budget meeting shall only be effective if a copy of the proposed annual budget accompanies the notice of budget meeting.

(5) Effect of Sending Electronic Meeting Notice. Notice of a meeting is effective when sent by the association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (2)(c) of this rule, so long as the association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the secretary or other authorized agent of the association filed among the official records of the association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. An association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

(6) Official Records. The association shall maintain among its official records, which shall be accessible to the owners or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the association, and any other record created or received by the association related to the electronic transmission of meeting notices, except as provided in

sub-paragraph 719.104(2)(a)5., F.S. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon unit owner request.

Specific Authority 719.501(1)(f), 719.106(1)(d)1. FS. Law Implemented 719.104(2)(a)5., 719.106(1)(c), 719.106(1)(d), 719.106(1)(d)1, 719.106(1)(d)3., 719.106(1)(e)1., 719.106(2)(c) FS. History–New

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Simone Marstiller, Secretary,  
Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 7, 2006

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Electrical Contractors' Licensing Board

RULE NO.:	RULE TITLE:
61G6-10.0065	Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes to create the rule in order to implement Section 455.271(6)(b), Florida Statutes.

SUMMARY: The language in the newly created rule will provide instruction on how to reinstate a null and void license pursuant to Section 455.271(6)(b) of the Florida Statutes.

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

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

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Anthony Spivey, Executive Director,  
Electrical Contractors' Licensing Board, 1940 North Monroe  
Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in Rule 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship;

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(g) Submit documents that verify the applicant's illness or unusual hardship;

(h) Submit a written time-line that chronologically documents when the applicant's electrical contractor's certification or registration was last active, when the applicant's electrical contractor's certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor's certification or registration;

(i) Request active or inactive license status and submit all applicable documentation;

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

(4) Pay a \$50.00 delinquency fee.

(5) Pay a \$5.00 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Electrical Contractors' Licensing  
Board

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 7, 2006

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Board of Accountancy**

RULE NO.: RULE TITLE:

61H1-33.003 Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to include how continuing education credits may be earned by the members of the Board of Accountancy's Probable Cause Panel.

SUMMARY: The members of the Board's Probable Cause Panel can earn eight credit hours of continuing education in the areas of accounting and auditing per meeting.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2177, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Veloria Kelly, Acting Division  
Director, Board of Accountancy/MQA, 240 NW 76th Dr.,  
Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.003 Continuing Professional Education.  
(1) through (5)(b)4. No change.

5. Members of the Board's Probable Cause Panel shall receive eight (8) hours per meeting of continuing professional education in Accounting and Auditing subjects for their service on the panel.

(6) through (7) No change.

Specific Authority 120.55(1)(a)4., 455.213(6), 455.2177, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History--New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05, 7-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 21, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

## **DEPARTMENT OF HEALTH**

### **Board of Chiropractic Medicine**

RULE NO.: RULE TITLE:

64B2-13.004 Continuing Education

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education courses.

SUMMARY: The Board proposed a rule amendment to delineate hours in specific areas of practice that must be obtained during a licensure biennium.

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

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

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) No change.

(2) Only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable. In addition to hours in risk management, six (6) hours of the forty (40) shall be in the area of record keeping/documentation and coding; and two (2) hours of the forty (40) must be in the area of ethics.

(3) No change.

(4) When attending an approved course, a licensee must provide a photo identification, sign in and ~~each time out each day~~ they enter or exit the meeting site room, and the licensee's ~~his or her~~ attendance must be certified by the course's registrar and submitted to the Board as verification.

(5) through (13) No change.

Specific Authority 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), 456.025(7), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.:	RULE TITLE:
64B2-13.0045	Continuing Education Course Required for Initial Licensure Renewal, or Reactivation

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education course required for initial, renewal, or reactivation of license.

SUMMARY: The Board proposed a rule amendment to address that the licensee must successfully completed a Board-approved course on HIV/AIDS before initial, renewal, or reactivation of license.

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

Any person who wishes to provide information regarding the statement of estimated costs, or to 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, 460.408(3) FS.

LAW IMPLEMENTED: 456.033, 456.013(7) 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall ~~be granted and no license shall~~ be initially renewed ~~or reactivated~~ unless the ~~applicant~~ or licensee submits confirmation to the Board, on a form approved by the Board, that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

(2) through (5) No change.

Specific Authority 456.013, 456.033, 460.408(3) FS. Law Implemented 456.033, 456.013(7) FS. History—New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended 5-5-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.:	RULE TITLE:
64B2-13.007	Continuing Education During Initial Licensure Period

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education during the initial licensure period.

SUMMARY: The Board proposed a rule amendment to address the required attendance at a Board meeting during the initial licensure biennium.

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

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

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

(1) During the first twelve (12) months after initial licensure, practitioners are required to ~~obtain five (5) hours of continuing education in the subject area of risk management by attending one (1) full day or eight (8) hours at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. Once the hours required by Rule 64B2-13.0045, F.A.C, have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.~~

(2) Initial licensure practitioners who reside out of the state may satisfy this requirement within twelve (12) months after locating to the State of Florida. However, these licensees are required to complete the hours required by Rule 64B2-13.0045, F.A.C.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03, 6-28-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

## DEPARTMENT OF HEALTH

### Board of Chiropractic Medicine

RULE NO.:

64B2-15.001

RULE TITLE:

Deceptive and Misleading Advertising Prohibited; Policy; Definition

PURPOSE AND EFFECT: The Board proposes a rule amendment to address chiropractic specialties recognized by the Board.

SUMMARY: The Board proposed a rule amendment to address chiropractic specialties recognized by the Board and certain associations.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

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

(e)1. Chiropractic Specialties recognized by the Board are those recognized by the various Councils of the American Chiropractic Association, ~~or~~ the International Chiropractic Association, ~~or~~ International Academy of Clinical Neurology. Each specialty requires a minimum of 300 hours of post-graduate credit hours and passage of a written and oral examination approved by the American Chiropractic Association, ~~or~~ International Chiropractic Association, or International Academy of Clinical Neurology. Titles used for the respective specialty status are governed by the definitions articulated by the respective councils.

(e)2. through 4. No change.

(f) through (m) No change.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00, 10-24-04, 11-27-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

## DEPARTMENT OF HEALTH

### Board of Chiropractic Medicine

RULE NO.: RULE TITLE:  
64B2-16.0075 Citations

PURPOSE AND EFFECT: The Board proposes a rule amendment to assess the penalty amount in rule citations.

SUMMARY: The Board proposed a rule amendment to increase the penalty amounts for continuing education deficiency citation and adding failing to attend a Board meeting during the initial licensure period as a citation offense.

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

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

SPECIFIC AUTHORITY: 456.039(3), 456.077, 460.405 FS.

LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee, an applicant, a candidate trainee, or any other person within the jurisdiction of this Board, for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of

time not to exceed sixty (60) days, and impose whatever obligations will remedy the offense, ~~except that up to six (6) months shall be permitted with regard to the completion of continuing education credit hours.~~

(2) through (3) No change.

(4) Failure of chiropractic physicians to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.

(a) Failure to complete less than twenty (20) ~~ten (10)~~ hours shall result in a penalty of \$2,500 ~~\$500~~;

(b) Failure to complete twenty-one (21) ~~ten (10)~~ or more hours will result in a penalty of \$5,000 ~~\$1,000~~. ~~In addition, licensees shall make up all continuing education hours in deficiency, and shall take one (1) additional hour of continuing education for each hour of continuing education deficiency. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.~~

(c) Failure to comply with Rule 64B2-13.007, F.A.C., shall result in a penalty of \$1,000.

(5) Failure of certified chiropractic physicians assistants to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.;

(a) Failure to complete less than ten (10) hours shall result in a penalty of \$ 100;

(b) Failure to complete ten (10) or more hours will result in a penalty of \$200. In addition, licensees shall make up all continuing education hours in deficiency, and shall take one (1) additional hour of continuing education for each hour of continuing education deficiency and must be completed within six (6) months of the filing date of the citation. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.

(6) through (9) No change.

Specific Authority 456.039(3), 456.077, 460.405 FS. Law Implemented 456.035, 456.039(3), 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, 11-30-03, 11-1-04, 4-13-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

## DEPARTMENT OF HEALTH

### Board of Chiropractic Medicine

RULE NO.: RULE TITLE:  
64B2-17.006 Retention of Chiropractic Records;  
Time Limitations

**PURPOSE AND EFFECT:** The Board proposes a rule amendment to address the requirements for the time limitation for the retention of chiropractic records.

**SUMMARY:** The Board proposed a rule amendment to address the retired status and active status licensees records retention requirements.

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

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

**SPECIFIC AUTHORITY:** 456.056, 460.405 FS.

**LAW IMPLEMENTED:** 456.057(12), 456.058 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

64B2-17.006 Retention of Chiropractic Records; Time Limitations.

(1) The chiropractor who terminates his practice, places his licenses in a retired status or the executor, administrator, personal representative, survivor or succeeding practitioner of a deceased chiropractor licensed pursuant to Chapter 460, F.S., shall retain the chiropractic records of any "patient of record" in existence upon date of termination of practice, or upon the death of the chiropractor for at least two (2) years from the date of the termination of practice, or death of the chiropractor. "Patient of record" for the purpose of this rule is a patient who has received treatment within the last two (2) years.

(2) through (3) No change.

(4) A chiropractor in active practice shall retain chiropractic records for at least four (4) years from the date of the patient's last appointment with the chiropractor.

(5) No change.

Specific Authority 456.056, 460.405 FS. Law Implemented 456.057(12), 456.058 FS. History—New 4-13-82, Formerly 21D-17.06, Amended 7-15-91, 5-19-93, Formerly 21D-17.006, 61F2-17.006, 59N-17.006, Amended 2-16-98, 6-21-00,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Chiropractic Medicine

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Chiropractic Medicine

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 29, 2006

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 21, 2006

## DEPARTMENT OF HEALTH

### Board of Chiropractic Medicine

**RULE NO.:** 64B2-18.0075  
**RULE TITLE:** Direct Supervision of Registered Chiropractic Assistant

**PURPOSE AND EFFECT:** The Board proposes a rule amendment to address the requirements for direct supervision of a registered chiropractic assistant.

**SUMMARY:** The Board proposed a rule amendment to address that a registered chiropractic assistant can be placed under the direct supervision of a certified chiropractic physician's assistant.

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

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

**SPECIFIC AUTHORITY:** 460.405, 460.4166 FS.

**LAW IMPLEMENTED:** 460.4166 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 Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

64B2-18.0075 Direct Supervision of Registered Chiropractic Assistant.

The direct supervision of a registered chiropractic assistant shall mean that the assistant will be under the direction of a chiropractor or a licensed certified chiropractic physician's assistant who is physically located on the premises at all times while a registered chiropractic assistant is performing assigned duties that involve patient care management or treatment.

Specific Authority 460.405, 460.4166 FS. Law Implemented 460.4166 FS. History—New 9-24-96, Formerly 59N-18.0075, Amended\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Board of Chiropractic Medicine

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Board of Chiropractic Medicine



DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 29, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 21, 2006

## DEPARTMENT OF FINANCIAL SERVICES

### Division Workers' Compensation

RULE NO.: RULE TITLE:

69L-6.009 Forms and Instructions

PURPOSE AND EFFECT: The purpose of this amendment is to update Form DWC-250, Notice of Election to be Exempt, and its instructions, so that applicants are provided an area where they may supply the Division with an e-mail address. The amendment also updates current addresses for field offices of the Division of Workers' Compensation's Bureau of Compliance. The effect of the amendment is to expand options for communication between the Division and applicants, and update field office addresses.

SUMMARY: Form DWC-250, and its instructions, and field office addresses of the Division of Workers' Compensation's Bureau of Compliance.

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

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

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

IF REQUESTED IN WRITING 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 12, 2006, 11:00 a.m.

PLACE: Room 104J Hartman Building, 2012 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, revised 5/06 ~~9/01~~; and instructions for same (Instructions for Completing Notice of Election to be Exempt, revised 5/06 ~~Construction Industry Instructions for DWC 250, revised 9/01 and Non-Construction Industry Instructions for DWC 250, revised 2/00~~).

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R revocation of Election of Coverage, revised 2/00.

(2) The forms may be obtained from any field office of the Division of Workers' Compensation, Bureau of Compliance.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B,  
Suite 250  
Jacksonville, FL 32209  
Telephone (850)798-5806

1111 N. E. 25th Avenue  
Suite 403  
Ocala, FL 34470  
Telephone (352)401-5350

2012 Capital Circle, S. E.  
Suite 102, Hartman Bldg.  
Tallahassee, FL 32399-2161  
Telephone (850)413-1609

2686 Chapman Drive  
Panama City, FL 32405-4914  
Telephone (850)747-5425

610 East Burgess Road  
Pensacola, FL 32504-6320  
Telephone (850)453-7804 ~~7850~~

3111 South Dixie Highway  
Suite 123  
West Palm Beach, FL 33405  
Telephone (561)837-5716 ~~5442~~

499 N.W. 70th Avenue  
Suite 116  
Plantation, FL 33317  
Telephone (954)321-2906 ~~3143~~

4415 Metro Parkway  
42381 S. Cleveland Avenue  
Suite #300, Suite 506,  
Ft. Myers, FL 33916 ~~07~~  
Telephone (239)938-1840 ~~278-7239~~

1313 Tampa Street  
Suite 503  
Tampa, FL 33602  
Telephone (813)221-6506

1718 Main Street  
Suite 201  
Sarasota, FL 34236  
Telephone (941)361-6042

400 West Robinson Street  
Room 512, North Tower  
Orlando, FL 32801  
Telephone (407)835-4406

401 N.W. 2nd Avenue  
South Tower, Suite 321  
Miami, FL 33128  
Telephone (305)536-0306

Specific Authority 440.05, ~~440.05(9), 440.10, 440.185(7), 440.42(2), 440.591, 440.593~~ FS. Law Implemented 440.05, ~~440.103, 440.185(7), (9), 440.38(2), 440.42(2), 440.593~~ FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic, Bureau Chief, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers' Compensation, Assistant Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2006

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Worker's Compensation

RULE NO.: 69L-6.012      RULE TITLE: Notice of Election to be Exempt

PURPOSE AND EFFECT: The purpose and effect of the amendment to the rule is to delete provisions of the existing rule that resulted from Chapter 2003-412, Laws of Florida, that due to the passage of time are no longer applicable to the exemption process, and to revise guidelines that relate to the submission of a Notice of Election to Be Exempt to the Department, and the issuance, denial, and revocation of a Certificate of Election to be Exempt by the Department.

SUMMARY: Notice of Election to Be Exempt and Certificate of Election to Be Exempt issued by the Department.

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

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

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

DATE AND TIME: Tuesday, September 12, 2006, 10:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 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: Andrew Sabolic, (850)413-1600 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: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to be Exempt.

~~(1) Certificates of Election to be Exempt issued on or before December 31, 2003, to persons engaged in the construction industry are void on and after January 1, 2004, pursuant to Chapter 2003-412, Laws of Florida. Chapter 2003-422, Laws of Florida, does not affect the provisions of Chapter 2003-412, Laws of Florida, and Chapter 440, F.S., beyond allowing persons engaged in the construction industry to qualify for the issuance of a Certificate of Election to be Exempt, Form DWC 252, if the person is a member and ten percent (10%) owner of a Limited Liability Company created and approved under Chapter 608, F.S.~~

~~(1)(a)(2) Legislative changes made through Chapters 2003-412 and 2003-422, Laws of Florida, that are effective January 1, 2004, allow only certain corporate officers engaged in the construction industry to file a Notice of Election to be Exempt and to be issued a valid Certificate of Election to be Exempt, Form DWC-252, as incorporated in paragraph (17)(a) below, by the Department pursuant to Section 440.05, F.S. Only corporate officers of non-dissolved or active corporations who meet the conditions for on the issuance of valid Certificates of Election to be Exempt as exemptions stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt. Only a business entity organized under Chapters 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.~~

~~(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in Rule 69L-6.009, F.A.C., must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.~~

~~(3) Pursuant to Chapter 2003-412, Laws of Florida, Section 440.05, F.S., does not permit a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry to file a Notice of Election to be Exempt. Accordingly, the Department shall not issue a Certificate of Election to be Exempt to any sole proprietor or partner on or after January 1, 2004, because they are "employees" who are not eligible to be exempt under section 2 of Chapter 2003-412, Laws of Florida. Beginning January 1, 2004, the Department shall deny any Notice of Election to be Exempt (DWC 250) filed on the basis of the~~

~~applicant being a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry.~~

~~(4) The Department shall inform the holder of a Certificate of Election to be Exempt that is rendered void pursuant to Chapter 2003 412, Laws of Florida, of the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(5) The Department shall issue without additional fee a new Certificate of Election to be Exempt to a sole proprietor of a sole proprietorship engaged in the construction industry, a partner in a partnership engaged in the construction industry, or a corporate officer engaged in the construction industry who:~~

~~(a) Holds a Certificate of Election to be Exempt issued between January 1, 2002 and December 31, 2003;~~

~~(b) Is eligible for the issuance of the Certificate of Election to be Exempt under Chapter 440, F.S., as amended by Chapters 2003 412 and 2003 422, Laws of Florida, and~~

~~(c) Files an Application for Re-Issuance of Notice of Election to be Exempt (DWC-250X) as a corporate officer of a corporation engaged in the construction industry in compliance with this rule.~~

~~(6) Any Certificate of Election to be Exempt re-issued pursuant to subsection (5) shall be valid only for the unexpired period of the prior Certificate of Election to be Exempt that was re-issued. The re-issued Certificate of Election to be Exempt shall expire on the date that the prior Certificate of Election to be Exempt would have expired.~~

~~(7) The Department shall inform an applicant who files a Notice of Election to be Exempt (DWC-250), which is incorporated in Rule 69L-6.009, F.A.C., on the basis that the applicant is a sole proprietor of a construction industry sole proprietorship or a partner in a construction industry partnership of the limitation of construction exemptions pursuant to Chapter 2003 412, Laws of Florida, and the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(2)(8) Any corporate officer engaged in the of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department Division a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.~~

~~(3)(9) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:~~

(a) A copy of any occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;

1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to Be Exempt;

2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;

(b) The certified or registered license numbers A copy of any contractor licensing held by the applicant through a certification or registration issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer;

(c) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable; ~~named by the corporate officer on the Notice of Election to be Exempt;~~

(d) The Social Security Number or the individual taxpayer identification number of the applicant;

(e) No change.

(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the department;

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant by the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, the name of the person to

whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

(g) For members of a limited liability company, documentation establishing the number of units of membership, or a notarized statement reflecting attesting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

(h) The ~~primary~~ business(es) or trade(s) of the applicant;

(i) The applicant's corporate officer title or member status;

(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt that is filed with the department. If an applicant's payment is returned to the department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

~~(5)(10)~~ For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated corporations or business entities, the Department shall deny any Notice of Election to be Exempt that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities issued in the name of corporate officers of the corporation or group of affiliated corporations.

~~(6)(11)~~ For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

(a) A copy of any occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;

(b) The Federal Employer Identification Number issued to the corporation ~~named by the corporate officer on the Notice of Election to be Exempt;~~

(c) The Social Security Number or the individual taxpayer identification number of the applicant;

(d) through (e) No change.

(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

(g) The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer.

~~(7)(12)~~ Incomplete Notices of Election to be Exempt Applications, Issue Dates for Certificates of Election to be Exempt ~~Duplicate Applications.~~

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt application is mailed or otherwise returned by the ~~Department Division~~ to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt application, at which time the Notice of Election to be Exempt application shall be processed without any additional processing fee. The department shall deny the Notice of Election to be Exempt if the applicant fails to file with the department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt. Except for an Application for Re-issuance of Notice of Election to be Exempt that has been re-issued under subsection (5) of this rule, an application filed by an applicant who has an exemption on file for the same business, which is current at the time a duplicate application is received by the Division, shall be treated as a new application. Any duplicate exemption on file shall be null and void as of the date a new exemption is issued by the Division.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier. Any duplicate Certificate of Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is

approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the Notice of Election to be Exempt is received by the department, whichever is earlier.

(8) Any Notice of Election to be Exempt which is returned to the applicant by the department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S. and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9)(13) Any corporate officer ~~or of a construction corporation~~, member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry ~~of a non-construction corporation~~ who has been issued a Certificate of Election to Be Exempt ~~an exemption from the provisions of Florida's workers' compensation law (Chapter 440, F.S.), may revoke such certificate exemption by filing with the Department Division a Revocation of Election to be Exempt (DWC-250-R) as adopted in Rule 69L-6.009, F.A.C.~~

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(14) Subject to the exceptions listed in Section 440.05(5), F.S., the issue date of any exemption is the date the Certificate of Election to be Exempt is approved and saved to the Coverage Compliance Automated System database of the Department.

(15) Notice of Election to be Exempt (DWC-250), or Revocation of Election to be Exempt (DWC-250-R), shall only be filed by an applicant on the applicant's own behalf.

(16) Any application for exemption or revocation of exemption which is returned to the applicant by the Division, within thirty days after receipt by the Division as incomplete, is not "received" for purposes of Section 440.05(5), F.S.

(17) The following forms are hereby incorporated by reference and can be obtained from the Bureau of Compliance, Division of Workers' Compensation, at [www.fldfs/we/](http://www.fldfs/we/) or from any field office identified in Rule 69L-6.009, F.A.C.:

(a) Form DWC-252, Certificate of Exemption (revised January 2004).

(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt (revised February 2004).

(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic, Bureau Chief, Bureau of Compliance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Dan Sumner, Workers'  
Compensation, Assistant Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 6, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 30, 2006

### FINANCIAL SERVICES COMMISSION

#### Office of Insurance Regulation

RULE NO.: 69O-203.210 RULE TITLE: Forms Incorporated by Reference  
PURPOSE, EFFECT AND SUMMARY: Pursuant to Section 636.218, Florida Statutes, each discount medical plan organization ("DMPO") must file with the Office, within 3 months after the end of each fiscal year, an annual report. Such reports must be on forms prescribed by the Financial Services Commission. The purpose of the proposed amendments is to adopt the form for the Annual Report of the Discount Medical Plan Organization which includes the DMPO Annual Report Instructions.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.424(1), 636.232 FS.

LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS.

IF REQUESTED IN WRITING 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 22, 2006, 10:00 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Annie Wang, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: annie.wang@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

69O-203.210 Forms Incorporated by Reference.

(1) The following forms are incorporated herein by reference to implement the provisions of Chapter 636, Part II, Florida Statutes:

(a) The following forms which are hereby adopted:

FORM #	TITLE	DATE
1. OIR-C1-1606	APPLICATION FOR LICENSE DISCOUNT MEDICAL PLAN ORGANIZATION (DMPO)	<u>08/05</u> <del>10/14/04</del>
2. OIR-C1-1423	BIOGRAPHICAL AFFIDAVIT	<u>1/27/05</u> <del>04/12/04</del>
3. <u>OIR-A1-1671</u>	<u>ANNUAL REPORT – DISCOUNT MEDICAL PLAN ORGANIZATIONS</u>	<u>07/06</u>

(b) The following forms as adopted in Chapter 69O-136, F.A.C.:

FORM #	TITLE	DATE
1. DI4-144	SERVICE OF PROCESS CONSENT & AGREEMENT	01/97
2. OIR-C1-903	INVOICE-REQUEST FOR PAYMENT OF FINGERPRINT CHARGES	<u>10/05</u> <del>04/97</del>
3. OIR-C1-938	FINGERPRINT CARD INSTRUCTIONS	<u>10/05</u> <del>05/02</del>
4. OIR-C1-1298	MANAGEMENT INFORMATION FORM – COMPLETE LIST OF OFFICERS, DIRECTORS, AND SHAREHOLDERS (10% OR MORE)	<u>10/05</u> <del>04/97</del>
5. <u>OIR-C1-905</u>	<u>INSTRUCTIONS FOR FURNISHING BACKGROUND INVESTIGATIVE REPORTS</u>	<u>10/05</u>

(2) All of the above referenced forms are available and may be printed from the Office's website: [www.flair.com](http://www.flair.com).

Specific Authority 624.424(1)(c), 636.232 FS. Law Implemented 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS. History—New 5-22-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Annie Wang, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 3, 2006

### FINANCIAL SERVICES COMMISSION

#### Office of Insurance Regulation

RULE NO.: 69O-207.002  
RULE TITLE: Electronic Filing

PURPOSE, EFFECT AND SUMMARY: To require electronic filing of financial reports, associated filings, and related correspondence for specialty insurers regulated by Specialty Product Administration.

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

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

SPECIFIC AUTHORITY: 624.308, 624.424, 626.89, 626.9913, 626.99175, 627.836, 634.137, 634.313(5), 634.415, 651.026 FS.

LAW IMPLEMENTED: 626.89, 626.9913, 626.99175, 627.828, 627.838, 634.137, 634.313, 634.415, 642.0301, 651.026 FS.

IF REQUESTED IN WRITING 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 19, 2006, 9:30 a.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: sandra.dupont@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 69O-207.002 Electronic Filing.

Financial reports, associated filings and related correspondence for the following specialty insurers shall be submitted electronically to <https://iportal.fldfs.com>:

(1) Legal Expense Insurance Corporations,

(2) Insurance Administrators,

(3) Viatical Settlement Providers,

(4) Life Expectancy Providers,

(5) Premium Finance Companies,

(6) Motor Vehicle Service Agreement Companies,

(7) Home Warranty Associations,

(8) Service Warranty Associations,

(9) Service Warranty Manufacturers, and

(10) Continuing Care Retirement Providers.

Specific Authority 624.308, 624.424, 626.89, 626.9913, 626.99175, 627.836, 634.137, 634.313(5), 634.415, 651.026 FS. Law Implemented 626.89, 626.9913, 626.99175, 627.828, 627.838, 634.137, 634.313, 634.415, 642.0301, 651.026 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006

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

## Section III Notices of Changes, Corrections and Withdrawals

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

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

### DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101  
RULE TITLE: Public Information and Inspection of Records

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 32, No. 30, July 28, 2006, will be