

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-66
 RULE NO.: 14-66.007
 RULE CHAPTER TITLE: Relocation Assistance Regulations
 RULE TITLE: Relocation Assistance Program

PURPOSE AND EFFECT: This rule chapter is being amended to include revised definitions, clarification of language, updating the incorporated regulations regarding relocation assistance, and incorporation of an application form.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Rule 14-66.007, F.A.C.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 339.09(2), (3), 421.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-66.007 Relocation Assistance Program.

Pursuant to Sections 339.09(2) and (3), and 421.55, F.S., the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects.

(1) The purpose of this rule is to govern promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of a transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole, and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any applicable transportation project on which negotiations for right-of-way acquisition begin after the effective date of this rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs Regulations (effective October 1, 2006 ~~March 15, 1999~~), as modified

herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) That are federalized;

(b) For which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) That are on the State Highway System; or

(d) That are intended to be on the State Highway System.

(2) This rule does not apply to projects on or intended to be on the State Highway System, ~~which are~~ funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System.

(3) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or municipality ~~office~~, department (including the Florida Department of Transportation), division, board, bureau, office, commission, or other separate unit of government created or established by law and any other public or private entity, person, partnership, corporation, or business entity acting on behalf of any Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is separated from the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a remuneration made to displaced persons for personal property that cannot be moved or which the displaced person chooses not to move, ~~and is in the form of either of the following:~~

~~1. On-Premise Signs remuneration is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be moved without violating local, state, or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.~~

~~2. Tangible Personal Property remuneration is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item; there shall be no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is~~

~~claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)~~

(e) “Displaced Person” or “Person” shall mean anyone ~~person~~ who, pursuant to this rule, moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. ~~Part~~ 24.2 and is used interchangeably with “displacee” and “relocatee.” Displaced person shall include an individual, partnership, corporation, association or other entity.

(f) “Displacement Dwelling” shall mean the dwelling from which a displaced person is required to move due to a transportation project.

(g) “Displacement Site” shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.

(h) “Domicile” shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.

~~(i) “Family” shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.~~

~~(j) “Federalized Project” shall mean any project with federal participation in any project phase.~~

~~(j)(4) “Gross Household Monthly Income” shall mean total income received for a 12 month period from sources (earned and unearned) including, such as salaries, wages, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from business. It does not include income received or earned by dependent children and full time students under 18 years of age and all other amounts, whether in cash or in kind, paid or given to the displaced person.~~

~~(k)(4) “Initiation of Negotiations” shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.~~

~~(l)(4) “Major Exterior Attribute” shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).~~

~~(m)(4) “Market/Economic Rent” shall mean the Agency’s determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.~~

~~(o) “Person” shall mean any individual, family, partnership, corporation, or association.~~

~~(n)(4) “Personal Property” shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.~~

~~(o)(4) “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is confirmed as correct by the Agency’s representative and the displaced person(s).~~

~~(p)(4) “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed by the displaced person(s).~~

~~(q)(4) “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.~~

(4) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. ~~Part~~ 24.205.

(5) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her:

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The Notice of Eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants; and

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained.

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment for which the displaced person is eligible;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered; and

3. A statement of the occupancy requirement necessary for obtaining the full amount of the payment.

(6) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a) Comparable replacement dwellings shall be available or provided for each displaced person and such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues; and

(b) The relocation program provides orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R. Part 24, and these regulations.

(7) Moving and Related Expenses. Any ~~person, family, business, farm operation, or non-profit organization which qualifies as a~~ displaced person is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity ~~from a reputable moving firm~~. If the ~~estimate obtained by the agency is~~ charges submitted by the ~~commercial moving firm~~ are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) When the cost of moving personal property from a residential or non-residential property is expected to exceed \$10,000, at least two estimates of moving costs shall be obtained by the Agency or the displaced person(s) at the Agency's discretion. A commercial mover shall not be authorized to begin a move until such estimates have been obtained. Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the Agency or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or an qualified Agency employee shall be sufficient at the Agency's discretion.

(c) Moves ~~that which~~ require special handling of items to be moved, or subcontracted labor, will be monitored by the Agency Department. In moves of specialty operations, such as plant nurseries or industrial plants, a specialist may be hired to provide the required monitoring. A detailed monitoring report will include:

1. Date and time of report;
2. Location, such as acquired or replacement site;
3. Number and types, ~~such as general laborer, foreman,~~ of personnel, such as general laborer or foreman, actually involved in the move, including time period each worked;
4. Equipment being used in the move;
5. Quantity of inventory moved during the monitoring period;
6. Special services performed, such as electrical, plumbing, etc., with breakdown as to work done per item, per length of time;
7. Unusual circumstances or special conditions affecting the move during the reporting period; and

8. Advisory services provided during the monitoring period.

(d) When a move is monitored, eligibility for payment shall be contingent on an executed written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;
2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and
3. The displaced person's list of items to be moved.

(e) The displaced person shall provide the Agency with, or allow the Agency to take, pre-move and post-move inventories. ~~The If the pre-move and post-move inventories differ, the~~ Agency will reimburse only costs associated with the ~~actual~~ personal property actually moved.

(f) After the displaced person receives actual direct loss payment for the items, upon request by the Agency, the displaced person shall transfer to the Agency ownership of personal property that has not been moved, sold, or traded. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be included in the calculation of eligible ~~for~~ Relocation Assistance benefits.

(g) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is entitled to neither payment for moving said personal property nor payment for direct loss upon its abandonment.

(h) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(i) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(j) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(k) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses, as provided by 49 C.F.R. ~~Parts 24.301 303~~ and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. ~~Part 24.305 306~~(a) and (b).

(l) All pollutants or contaminants, as defined in Chapters 376 and 403, F.S., which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with 49 C.F.R. and Chapters 376 and 403, F.S. ~~those Chapters.~~

1. The Department shall pay the lesser of the cost of disposal or the cost to move, except in cases where materials cannot be moved in accordance with governing regulations. In

such cases, the Agency will pay the cost of proper disposal. The displaced person shall be responsible for the actual disposal of such material if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.

~~2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.~~

~~2.4. If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable, and necessary extra costs associated with the unscheduled move.~~

~~(m) All underground or above ground storage tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Chapter 376, F.S., and rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above ground storage tanks.~~

~~1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.~~

~~2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.~~

~~3. In cases where the owner/operator is required by Chapter 376, F.S., and/or rules of the Department of Environmental Protection, effective December 7, 2000, governing underground or above ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal.~~

~~(n) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.~~

~~(o) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste~~

~~which is required to be disposed of in accordance with Chapter 403, F.S., and Title 40 C.F.R. Part 262, shall be disposed of at the sole cost of the individual or business before the subject site is vacated.~~

(8) Replacement Housing Payments. Persons ~~Individuals and families~~ displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant in accordance with ~~if he or she meets the~~ criteria of 49 C.F.R. Part 24, Subpart E.

(b) Typical Homesite Determination.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established as a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

~~6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.~~

(c) Displaced persons~~(s)~~ are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. The total rental assistance payment to a 180-day owner (a person who has occupied the residence for at least 180 days prior to the Agency making an offer to purchase it) is determined by calculating the difference between the market rent and average monthly utilities costs for the acquired dwelling and the actual rent and estimated monthly utilities costs of a comparable rental dwelling available on the market. Under no circumstances would the rental assistance payment exceed the amount that could have been received if the 180-day owner remained under an ownership status. ~~may not exceed \$5,250, unless the calculated purchase additive or~~

~~mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing.~~

~~3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.~~

(d) Single Household, Multiple Occupancy: If two or more displaced persons occupying eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more displaced persons occupying eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more displaced persons occupying eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall be entitled to only one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner-occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant (persons who own or rent and occupy a dwelling for at least 90 days prior to the Agency making an offer to purchase it) displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling, subject to the following:-

1. The full amount of the replacement housing payment for down-payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses. Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance eligibility calculated and is no more than \$5,250, the payment will be increased to \$5,250 shall be for the amount of the actual required down payment. If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person, he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid for the replacement dwelling.

4.5. The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

5.6. The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants are eligible to ~~may~~ receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants are entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be in occupancy at the time the Agency obtains title to the property. The displaced person will ~~can~~ be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person, or if the Agency determines that in ~~in~~ situations where replacement housing is scarce ~~as determined by the Agency~~ and may not be available at the time the Agency obtains title to the property.

~~(k) The Agency shall inform a less than 90-day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under paragraph 14-66.007(7)(j), unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.~~

(9) Mobile Homes. ~~In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply:-~~ (a) Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.

~~(a)(b)~~ If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

~~(b)(e)~~ If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

~~(c)(d)~~ If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner-occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be the 1. ~~The~~ lesser of:

1.a. ~~1.a.~~ The reasonable cost of a comparable replacement dwelling; or

2.b. ~~2.b.~~ The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

3.2. ~~3.2.~~ Minus the higher of:

a. The salvage value, or

b. The trade-in value.

~~(d)~~~~(e)~~ If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

~~(e)~~~~(f)~~ If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary requirements set forth in 49 C.F.R., Part 24.2(a)(8) or applicable local housing standards.

~~(f)~~~~(g)~~ If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(10) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each displaced person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement dwelling. Eligible expenses, except mortgage interest differential payments, are reimbursable regardless of the length of time a mortgage has been in effect on the displacement ~~acquired~~ dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling, and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The ~~eligible~~ displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also certify the date that the replacement dwelling was occupied and shall state that to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence thereof of low funds, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree to a condemnation clause that has been incorporated into Department Form 575-040-14, Application and Claim for Replacement Housing Payment, Rev. 08/05, incorporated herein by reference. Copies of Form 575-040-14 are available at <http://www2.dot.state.fl.us/proceduraldocuments/forms/forms.asp> in the written claim for payment. ~~The condemnation clause requires:~~

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person.

~~(11) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing notice of appeal rights in accordance with Sections 120.569 and 120.57, F.S., and Rule Chapter 28-106, F.A.C. The aggrieved person may file a request for administrative hearing.~~

~~(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.~~

~~(b) All requests for administrative hearings shall conform to the requirements of Rule Chapter 28-106, F.A.C., and be in accordance with Chapter 120, F.S. Requests may be for a formal hearing in accordance with Section 120.57(1), F.S., or an informal hearing pursuant to Section 120.57(2), F.S. Requests for an administrative hearing shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency issuing the denial.~~

Specific Authority 334.044(2) FS. Law Implemented 339.09(2), (3), 421.55 FS. History--New 8-9-72, Formerly 14-66.07, Amended 11-24-92, 12-7-00, _____.

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."

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE NO.: 49B-1.008
 RULE TITLE: Registered Office, Office Hours and Copies of Documents

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. This rule provide for the address of the registered office of Tampa Bay Water and specific responsibilities that the Board of Directors has delegated to the General Manager. The address of the registered office of Tampa Bay Water has changed and the Board of Directors has increased the dollar amounts of materials and services that the General Manager can secure without Board approval, and the amount in controversy relating to the settlement of regulatory and legal actions that the General Manager can act on with concurrence of the General Counsel and the Chairman.

SUBJECT AREA TO BE ADDRESSED: The address of the registered office of Tampa Bay Water.

SPECIFIC AUTHORITY: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

LAW IMPLEMENTED: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.008 Registered Office, Office Hours and Copies of Documents.

(1) The registered office of Tampa Bay Water is:

2575 Enterprise Road
Clearwater, Florida 33763-1102
~~2535 Landmark Drive, Suite 211~~
~~Clearwater, Florida 34621~~

(2) through (3) No change.

Specific Authority 119.07, 123.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. Law Implemented 119.07, 120.53(1)(a), (5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. History--New 1-11-81, Formerly 16M-1.08, Amended 5-8-88, 3-6-91, 5-24-93, Formerly 16M-1.008, Amended _____.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE NO.: 49B-1.011
 RULE TITLE: Delegation of Authority by the Board of Directors

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. This rule provide for the specific responsibilities that the Board of Directors has delegated to the General Manager. The Board of Directors has increased the dollar amounts of materials and services that the General Manager can secure without Board approval, and the amount in controversy relating to the settlement of regulatory and legal actions that the General Manager can act on with concurrence of the General Counsel and the Chairman.

SUBJECT AREA TO BE ADDRESSED: Delegation of authority to the General Manager.

SPECIFIC AUTHORITY: 120.53, 163.01(5)(h) FS.

LAW IMPLEMENTED: 373.1962 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.011 Delegation of Authority by the Board of Directors.

The Board of Directors, as head of Tampa Bay Water, have delegated authority as follows:

(1) To the General Manager to hire or terminate the employment of any employee; to recommend and maintain personnel rules which shall be made available for public inspection; to secure services, labor or material costing \$50,000.00 or less; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; to represent Tampa Bay Water at public hearings; to serve as the registered agent of Tampa Bay Water; and to act in accordance with Board direction on behalf of the Board with the concurrence of the General Counsel and Chairman in matters relating to settlement of regulatory and legal actions when the total amount in controversy does not exceed \$50,000.00, settlement of property acquisition matters, initiation of legal action, and referral of amended requests for hearing to the Division of Administrative Hearings.

(2) No change.

Specific Authority 163.01(5)(h) FS. Law Implemented 373.1962 FS. History–New 1-1-81, Formerly 16M-1.11, Amended 5-8-88, 3-6-91, Formerly 16M-1.011, Amended 7-29-97, 12-21-04,_____.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE NO.: 49B-1.0131
 RULE TITLE: Public Information and Inspection and Copying of Records

PURPOSE AND EFFECT: Rule Chapter 49B-1, F.A.C., contains the rules relating to the Description of the Organization of Tampa Bay Water. These rules provide for the address of the registered office of Tampa Bay Water. The address of the registered office of Tampa Bay Water has changed and must be revised.

SUBJECT AREA TO BE ADDRESSED: The address of the registered office of Tampa Bay Water.

SPECIFIC AUTHORITY: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

LAW IMPLEMENTED: 119.07, 123.53, 120.54, 163.01, 189.416, 373.1962 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-1.0131 Public Information and Inspection and Copying of Records.

(1) Requests for information, disclosure of public records, or copies of public records shall be directed to the General Manager of Tampa Bay Water at the following address:

Tampa Bay Water
2575 Enterprise Road
Clearwater, FL 33763-1102
~~2535 Landmark Drive, Suite 211~~
~~Clearwater, FL 34621~~

(2) through (4) No change.

Specific Authority 119.07(1)(a), (b), 120.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. Law Implemented 119.021, 119.07(1)(a), (b), 120.53(5), 120.535, 120.54, 163.01, 189.416, 373.1962 FS. History–New 5-17-93, Formerly 16M-1.0131, Amended_____.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE NO.: 49B-2.038
 RULE TITLE: Personnel Rule Manual Incorporated by Reference

PURPOSE AND EFFECT: Rule 49B-2.038, F.A.C., currently incorporates by reference the Personnel Rule Manual of Tampa Bay Water. Tampa Bay Water proposes to update its Personnel Rule Manual in order to ensure compliance with certain Federal laws and regulations, State statutes, and other regulations and restrictions, and to provide policy guidance for the agency.

SUBJECT AREA TO BE ADDRESSED: Personnel policies and procedures.

SPECIFIC AUTHORITY: 163.01(5)(g) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 373.1962, 373.1963 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Holly Wells, Manager, Human Resources, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-2.038 Personnel Rule Manual Incorporated by Reference.

The Tampa Bay Water “Personnel Rule Manual,” dated November 30, 2006 ~~July 15, 2004~~, is hereby incorporated by reference into this chapter and is available from Tampa Bay Water upon request.

Specific Authority 163.01(5)(~~g~~) FS. Law Implemented 120.54(1)(i), 163.01, 373.1962, 373.1963 FS. History–New 7-29-97, Amended 9-17-01,_____.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water – A Regional Water Supply Authority

RULE NO.: 49B-3.003
 RULE TITLE: Purchasing Policy and Procedures Manual Incorporated by Reference

PURPOSE AND EFFECT: Chapter 49B-3, F.A.C., currently contains Tampa Bay Water’s policies and procedures relating to the purchase of commodities and services. Tampa Bay Water proposes to update its current rules, policies, and procedures relating to purchasing commodities and services in the form of a Purchasing Policy and Procedures Manual and incorporate by reference this manual into Chapter 49B-3, F.A.C., and repeal existing Rules 49B-3.001, 49B-3.002 and 49B-3.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Purchase of commodities and services.

SPECIFIC AUTHORITY: 163.01(5)(i) FS.

LAW IMPLEMENTED: 120.54(1)(i), 163.01, 287.017, 287.055, 287.057, 373.1962, 373.1963 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Koni Cassini, Director, Finance and Administration, Tampa Bay Water, 2575 Enterprise Road, Clearwater, FL 33763-1102, (727)796-2355

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

49B-3.003 Purchasing Policy and Procedures Manual Incorporated by Reference.

The Tampa Bay Water “Purchasing Policy and Procedures Manual,” dated December 18, 2006, is hereby incorporated by reference into this chapter and is available from Tampa Bay Water upon request.

Specific Authority 163.01(5)(i) FS. Law Implemented 120.54(1)(i), 163.01, 287.017, 287.055, 287.057, 373.1962, 373.1963 FS. History–New_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-20.001	Definitions
61G15-20.0015	Application for Licensure by Endorsement
61G15-20.007	Demonstration of Substantial Equivalency

PURPOSE AND EFFECT: The purpose of the amendment to these rules is to resolve difficulties in demonstrating substantial equivalence to an EAC/ABET education for non-EAC/ABET engineering degree holders, foreign or domestic.

SUBJECT AREA TO BE ADDRESSED: Definitions; Application for Licensure by Endorsement; and Foreign Degrees.

SPECIFIC AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

(1) "Year" shall mean 12 months of full-time employment or a full-time academic year of graduate or undergraduate college education.

(2) "Board approved engineering programs" shall mean:

(a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), ~~programs approved by ABET as substantially equivalent to EAC/ABET accredited programs in the United States approved by the Board of Professional Engineers as substantially equivalent to an EAC/ABET accredited engineering program pursuant to Rule 61G15-20.007, F.A.C., or~~

(b) In the case of an applicant who did not graduate from an approved program as set forth in paragraph (2)(a) above, and who either:

(i) Holds a post-baccalaureate degree from a school or college in the United States which has an EAC/ABET accredited engineering program in a related discipline at the baccalaureate level, or

(ii) Holds a baccalaureate degree from an engineering program that is not accredited by EAC/ABET, provided the applicant can articulate a baccalaureate in engineering by demonstrating substantial equivalency to an EAC/ABET accredited program pursuant to subsection 61G15-20.007(2), F.A.C., or

(c) No change.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03, 3-13-05, _____.

61G15-20.0015 Application for Licensure by Endorsement.

(1) through (2) No change.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations more than five (5) times after October 1, 1992, and/or more than three (3) times after July 1, 2004, must document compliance with Rule subsection 61G15-21.007(2), F.A.C., as a condition of eligibility for licensure by endorsement.

(4) An applicant for licensure by endorsement whose only educational deficiency under subsection 61G15-20.007(2), F.A.C., involves humanities and social sciences and who has held a valid license and practiced in another state or territory of the United States for two (2) years or more shall be deemed to have satisfied that requirement.

(5) The Board shall deem that an applicant for licensure by endorsement who has an engineering degree from a foreign institution has demonstrated substantial equivalency to an EAC/ABET accredited engineering program, as required by Rule 61G15-20.007, F.A.C., when such applicant has held a valid professional engineer's license in another state for 15 years and has had 20 years of continuous professional-level engineering experience.

~~(6)(5)~~ An applicant for licensure by endorsement who previously held licensure in the State of Florida and whose license became null and void because of non-renewal must ~~establish that he or she~~ meets all current requirements for initial licensure. Such applicants, if otherwise eligible, shall be subject to disciplinary sanctions as a condition of licensure if it is demonstrated that they practiced engineering during any period their license was delinquent and/or null and void.

Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History—New 9-27-01, Amended

61G15-20.007 Demonstration of Substantial Equivalency Foreign Degrees.

(1) Applicants having engineering degrees from programs that are not accredited by EAC/ABET foreign institutions shall be required to document "substantial equivalency" to an EAC/ABET accredited engineering program. ~~the 2002 ABET Accreditation Yearbook for Accreditation Cycle Ended September 30, 2002 engineering criteria. This document is hereby incorporated by reference.~~

(2) In order to document and prove "substantial equivalency" to an EAC/ABET accredited engineering program, the applicant must demonstrate:

(a) 32 college credit hours of higher mathematics and basic sciences.

1. The hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include linear algebra, numerical analysis, and advanced calculus.

2. ~~As for~~ The hours in basic sciences, must include courses in general chemistry and calculus-based general physics, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and

advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

(b) 16 college credit hours in humanities and social sciences. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, social responsibility and no more than 6 credit hours of languages other than English or other than the applicant's native language. Courses in technology and human affairs, history of technology, professional ethics and social responsibility are also acceptable. Courses such as accounting, industrial management, finance, personnel administration, engineering economics and military training are not acceptable. Courses which instill cultural values are acceptable, while routine exercises of personal craft are not.

(c) 48 college credit hours of engineering science and engineering design. Courses in this area shall have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of approved traditional engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

(d) No change.

(3) No change.

(4) The applicant with an engineering degree from a foreign institution must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, FL 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124. The applicant with an engineering degree from a domestic engineering program not accredited by EAC/ABET must request such an evaluation from Josef Silny & Associates, Inc., or Center for Professional Engineering Education Services.

(5) Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2).

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-22.0105 Standard for Laws and Rules Courses

PURPOSE AND EFFECT: Purpose and effect are to set standards for continuing education courses on Florida laws and rules governing the practice of engineering.

SUBJECT AREA TO BE ADDRESSED: Standard for Laws and Rules Course Providers.

SPECIFIC AUTHORITY: 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.0105 Standards for Laws and Rules Courses.

Each course provider approved by the Board to conduct courses in Florida Laws and rules must meet the requirements of Rule 61G15-22.011, F.A.C., and submit the documentation of the following:

(1) Course materials; and

(2) Course content that includes

(a) Rules adopted, amended or repealed during the immediately preceding biennium;

(b) Changes to Chapters 455 and 471, F.S. made by the legislature during the preceding biennium;

(c) Case law concerning Chapter 471, F.S.;

(d) A list of resources used to develop the course content;

(e) Application of the provisions of Chapter 471, F.S., to individual disciplinary cases and unlicensed practice cases during the immediately preceding biennium.

(3) Qualifications of the instructor(s), including a curriculum vitae of the instructor(s), which must demonstrate knowledge of the subject matter and one of the following:

(a) Licensure as a professional engineer;

(b) Licensure as an attorney in the State of Florida.

(4) A provider making application to offer interactive distance learning must also submit documents indicating the following:

(a) The means by which the course will demonstrate the ability to interact between the student and course provider by providing answers to inquiries within two business days. The interaction must promote student involvement, and demonstrate that the course measures learning and addresses comprehension of content at regular intervals;

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion;

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course;

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course; and

(e) That the student will be required to complete a statement that indicates that he/she personally completed each module/session of instruction.

Specific Authority 471.017(3), 471.019 FS. Law Implemented 471.017(3), 471.019 FS. History–New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-37.001
 RULE TITLE: Performance Standards and Measurable Outcomes

PURPOSE AND EFFECT: Purpose and effect is to describe additional responsibilities of FEMC administrative staff.

SUBJECT AREA TO BE ADDRESSED: Responsibilities of FEMC staff.

SPECIFIC AUTHORITY: 471.038(3)(m) FS.

LAW IMPLEMENTED: 471.038(3)(m) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-37.001 Performance Standards and Measurable Outcomes.

In order to facilitate efficient and cost effective regulation by the Florida Engineers Management Corporation (“FEMC”), the following performance standards and measurable outcomes are adopted:

(1) through (2) No change.

(3) FEMC shall provide status reports to the Board regarding all outstanding disciplinary cases at every other regularly scheduled meeting of the Board. The status report shall include all legally sufficient disciplinary cases until entry of a final order by the Board. Upon entry of a final order, FEMC shall notify the licensee’s employer of the action taken by the Board. FEMC shall refer all unlicensed cases to the Department within 15 days.

(4) No change.

(5) FEMC shall periodically notify the person who filed the complaint the status of the investigation every six months, including whether probable cause has been found, when the case is agendaed for consideration by the Board and the status of any administrative proceeding or appeal.

(6) through (10) No change.

(11) FEMC shall maintain the Board’s web page and update the web page within 14 days of the date the updates go into effect. Administrative complaints shall be posted no later than 30 days after the recommendation by the probable cause panel. All active disciplinary cases shall be posted on the web page, including the final action taken by the Board until the terms of the final order are completed, or until the licensee becomes inactive, retires, relinquishes the license or permits the license to become null and void.

Specific Authority 471.038(3)(m) FS. Law Implemented 471.038(3)(m) FS. History–New 11-12-02, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
 RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Board proposes to review the experience requirements in this rule to determine if updates are necessary.

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-4.241
 RULE TITLE: Whole Effluent Toxicity Compliance Limits

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department proposes to add a new section to Chapter 62-4, F.A.C., to specify whole effluent acute and chronic toxicity compliance limits for facilities subject to whole effluent toxicity testing. OGC NO.: 07-0071

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will add acute and chronic whole effluent toxicity permit compliance limits for facilities subject to whole effluent toxicity testing.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.121, 403.131, 403.141, 403.161 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.200
 RULE TITLE: Definitions

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department plans to revise the definitions of acute and chronic toxicity found in Chapter 62-302, F.A.C., to clarify the meaning of these terms as used in water quality standards and whole effluent toxicity. OGC NO.: 07-0072

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the definitions of acute and chronic toxicity and add an additional definition for inhibition concentration.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-620.620
 RULE TITLE: Guidelines for Establishing Specific Permit Conditions

PURPOSE AND EFFECT: Florida's surface water quality standards prohibit discharges that are acutely or chronically toxic, without a Department approved mixing zone. The Department plans to add a new subsection to Rule 62-620.620, F.A.C., to identify facilities subject to whole effluent toxicity testing. The proposed rule will also specify acute and chronic whole effluent toxicity permit requirements. OGC NO.: 07-0073.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will identify facilities subject to whole effluent toxicity testing and add acute and chronic whole effluent toxicity permit requirements.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.804, 403.805, 403.8055 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.087, 403.088, 403.0885, 403.141, 403.161, 403.8055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nancy Ross, Division of Water Resource Management, Mail Station 3560, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8419

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.002
 RULE TITLE: Supervisor

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel supervisors.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel supervisors.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

Specialty (a) through (b) No change. (c) Histology	Option	Education	Training/Experience	Examination
	1		Five years pertinent clinical laboratory experience in histology and 25 hours of Board-approved continuing education in supervision and administration within the previous 5 years.	<u>HTL (ASCP)</u>
	2		Five years of pertinent clinical laboratory experience post- certification and 48 hours of Board approved continuing education in supervision and administration within the previous five years.	<u>HT (ASCP)</u>
	3		Five years of pertinent clinical laboratory experience, 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years, <u>and licensure as a technologist in the specialty of histology.</u>	

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
RULE TITLE: Technologist

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel technologists.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel technologists.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 483.805(4), 483.811(2), 483.823 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histocompatibility, blood

banking, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety.

(2) through (3) No change.

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

4 Five year of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technican in the specialty or histology.

(i) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-34-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-4.001
RULE TITLE: Continuing Education Requirements

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 456.013, 483.901(6)(a) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Executive Director, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

