

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Elections**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
1S-2.0011	Constitutional Amendment Ballot Position
1S-2.009	Initiative Constitutional Amendment Petition
1S-2.0091	Constitutional Amendment Initiative Petition Submission Deadline; Verifying Electors' Signatures

**PURPOSE AND EFFECT:** To implement the amendments to Section 100.371, Florida Statutes, as set forth in section 25 of Chapter 2007-30, Laws of Florida, that pertain to the process for citizen constitutional initiative petitions, including but not limited to codification of the requirements for valid signature verification, imposition of a 30-day timeframe for verification, and recording of certain dates in the statewide voter registration system.

**SUBJECT AREA TO BE ADDRESSED:** Citizen constitutional initiative process.

**SPECIFIC AUTHORITY:** 20.10(3), 97.012, 100.371, 101.161 FS.

**LAW IMPLEMENTED:** 100.371, 101.161 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

**PLACE:** Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. 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, IF AVAILABLE, IS:** Sarah Jane Bradshaw, Assistant Director, Division of Elections, Florida Department of State, (850)245-6200

A copy of the preliminary draft, if available, will also be posted on the Division of Elections' proposed rules' webpage at: <http://election.dos.state.fl.us/laws/ProposedRules/ProposedRules.shtml>

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

**DEPARTMENT OF STATE**

**Division of Elections**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
1S-2.0095	Constitutional Amendment Initiative Petition Revocation

**PURPOSE AND EFFECT:** To implement the provisions of section 25 of Chapter 2007-30, Laws of Florida, which amended Section 100.371, Florida Statutes, by creating a process for revoking signed citizen initiated constitutional amendment petitions.

**SUBJECT AREA TO BE ADDRESSED:** Constitutional Amendment by Initiative Petition Process.

**SPECIFIC AUTHORITY:** 20.10(3), 97.012, 100.371, 101.161 FS.

**LAW IMPLEMENTED:** 100.371, 101.161 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

**PLACE:** Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Sarah Jane Bradshaw, Assistant Director, Division of Elections, Florida Department of State, at (850)245-6200

Copies of the preliminary text, once available, will also be posted on the Division of Elections' proposed rules' website at: <http://election.dos.state.fl.us/laws/ProposedRules/ProposedRules.shtml>

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

**DEPARTMENT OF STATE**

**Division of Elections**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
1S-2.045	Candidate Petition Process

**PURPOSE AND EFFECT:** To implement the provisions of Section 99.095, F.S., as amended in section 14 of Chapter 2005-277, Laws of Florida, and section 17 of chapter 2007-30, Laws of Florida, relating to the process for qualifying by petition for candidates seeking federal, state, county or special district offices.

**SUBJECT AREA TO BE ADDRESSED:** Candidate qualifying by petition process.

SPECIFIC AUTHORITY: 20.10(3), 99.095 FS.

LAW IMPLEMENTED: 99.095 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, July 23, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

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: Lisa Ginn, Administrative Assistant, Office of General Counsel, Florida Department of State, at (850)245-6536. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Florida Department of State, (850)245-6200. The preliminary draft is posted to the Division of Elections' website for proposed rulemaking at <http://election.dos.state.fl.us>, and through the Department of State's E-rulemaking program at [www.flrules.org](http://www.flrules.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.045 Candidate Petition Process.

(1) Qualification by Petition. A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Section 99.095, F.S., is not required to pay the qualifying fee or party assessment required by Chapter 99, F.S.

(2) Required Number of Signatures. A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election or at least 25 signatures for special district candidates. Except for special district candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

(3) Format of Petition.

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective / / ), entitled "Candidate Petition Form." Form DS-DE 104 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street., Tallahassee, Florida 32399-0250; (850)245-6240, or by download from the Division of

Elections' rules webpage or forms webpage at: <http://election.dos.state.fl.us>. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

(b) A separate petition is required for each candidate. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken border.

(4) Submission of Petition. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is a registered elector. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing said petition form is a registered elector in county, district, or other geographical area represented by the office sought. Except for special district candidates, the supervisor of elections shall also verify that the date the elector signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(b) The supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The elector's name;
2. The elector's residential street address (including city and county);
3. The elector's date of birth or voter registration number;
4. The elector's original signature; and
5. The date the elector signed the petition as recorded by the elector.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061, F.S.

Specific Authority 20.10(3), 97.012(1), 99.095 FS. Law Implemented 99.095, 99.061 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 5F-14 Farm to Fuel Grants Program  
 RULE NOS.: RULE TITLES:  
 5F-14.001 General  
 5F-14.002 Definitions  
 5F-14.003 Grant Proposals; Criteria; Ranking; Award

PURPOSE AND EFFECT: The purpose and effect of this rule is to implement Section 570.957, Florida Statutes, and provide grants for bioenergy projects.

SUBJECT AREA TO BE ADDRESSED: Chapter 570.957, Florida Statutes. The Farm-to-Fuel Grants Program is established within the Department of Agriculture and Consumer Services in order to provide matching grants for bioenergy projects. Such grants may be made for research, demonstration, or commercialization projects relating to the production of bioenergy or feedstocks used in bioenergy production.

SPECIFIC AUTHORITY: 570.957 FS.

LAW IMPLEMENTED: 570.957 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 30, 2007, 10:00 a.m.

PLACE: George Eyster Auditorium, Conner Building, 3125 Conner Blvd., 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: Tom A. Steckler, Deputy Director, Division of

Standards, Doyle Conner Building, 3125 Conner Boulevard, Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax: (850)922-8971. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Steckler, Deputy Director, Division of Standards, Doyle Conner Building, 3125 Conner Boulevard, Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax: (850)922-8971

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

FARM TO FUEL GRANTS PROGRAM

5F-14.001 General.

This part implements the Farm to Fuel Grants Program, providing for grants for bioenergy projects.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History–New \_\_\_\_\_.

5F-14.002 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Section 570.957, F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

(1) “Biomass” means: Organic matter available on a renewable or recurring basis. Biomass includes, but is not limited to, crops and trees, agricultural food and feed crop residues, wood and wood wastes and residues, aquatic plants, grasses, animal wastes and residues, and other organic waste materials and residues.

(2) “Matching Funds or Other In-Kind Contributions” means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, indirect costs, and purchases of material and supplies, as a direct benefit to the project; or

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History--New

5F-14.003 Grant Proposals; Criteria; Ranking; Award.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The department shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the department.

(b) The RFGP shall be issued by advertisement in the Florida Administrative Weekly, download at the department's internet site at <http://www.floridafarmtofuel.com>, and requests for hard copies can be made by calling the department's purchasing office at (850)488-7552.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 570.957(2)(a), F.S.

(3) APPLICATIONS. Applications for the Farm to Fuel Grants Program shall be submitted to the Department of Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 as follows:

(a) Eight copies of the application shall be submitted in hard copy format, using form DACS # \_\_\_\_\_, Florida Farm to Fuel Grants Program Application, which is herein adopted and incorporated by reference. The form is listed by form number, and by the subject title and effective date. A copy of the form may be obtained by writing to: Department of Agriculture and Consumer Services, ATTN: Farm to Fuel Grants Program, 3125 Conner Boulevard, Suite E, MS-C17, Tallahassee, FL 32399-1650 or by accessing the internet at <http://www.floridafarmtofuel.com>. One copy shall be submitted in electronic format on compact disc at the same time as the hard copies. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by DACS # \_\_\_\_\_, from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. on the date specified by the department in the RFGP.

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such

as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on the department's web site.

(d) A total of \$25 million in grant money shall be disbursed for projects classified into two categories as follows:

1. A total of \$3 million in grant money shall be awarded for projects classified by applicants as Research and Development or Demonstration. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$100 thousand and the maximum allowable amount shall be \$500 thousand.

2. A total of \$22 million in grant money shall be awarded for projects classified by applicants as Commercialization. Under this category, the minimum allowable amount for an application to be eligible for consideration for an award shall be \$250 thousand and the maximum allowable amount shall be \$7 million.

(e) Completeness. Any application which does not include all required information shall be determined incomplete and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(f) An applicant is not eligible for award of a grant if the department determines that the applicant:

1. Has a pending civil, criminal or administrative action alleging that the applicant has committed violations of Florida Statutes or the rules promulgated thereunder; or

2. Has not satisfied a fine, penalty or other judgment arising out of any civil, criminal or administrative action brought by any governmental agency based upon violation of Florida Statutes or the rules promulgated thereunder.

(4) CRITERIA.

(a) The criteria listed in subsection 6 below shall apply to grants evaluated pursuant to Section 570.957, F.S.

(b) In order to be eligible for consideration, grant applications for Research and Development or Demonstration must have scientific merit and grant applications for Commercialization must be technically feasible. Scientific merit and technical feasibility shall be determined by persons having expertise in renewable energy technologies.

1. Scientific Merit means the extent to which the proposed project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

2. Technical Feasibility means the extent to which the proposed project is technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be 25% of the total project costs.

(b) All matching funds and other in-kind contributions, including third party in-kind contributions, shall be verifiable from the applicant's and/or its partner's records, and shall not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible Commercialization	Max Points Possible R&D/Demonstration
1- Florida-Grown Biomass	30	30
2- Energy Efficiency	10	10
3- Cost Share Percentage	20	20
4- Expand Agribusiness	30	30
5- Market Potential	20	10
6- Economic Development	20	N/A
7. Innovative Technology	10	10
8. Project Progress and Timelines	10	N/A
Total Numerical Rating	150	110

1 – Florida Grown Biomass: The project produces bioenergy from Florida grown crops or biomass.

Minimum (0 points): No bioenergy production potential from Florida grown biomass resources or this element of the evaluation criteria was not addressed.

Maximum (30 points): Project results in significant bioenergy production from Florida grown biomass resources.

2 – Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or material resources or this element of the evaluation criteria was not addressed.

Maximum (10 points): Project incorporates energy efficient products, material resources and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

3 – Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

All projects are to use the following scale:

2 points = 25% up to and including 32% of total project cost.

4 points = Greater than 32% up to and including 39% of total project cost.

6 points = Greater than 39% up to and including 46% of total project cost.

8 points = Greater than 46% up to and including 53% of total project cost.

10 points = Greater than 53% up to and including 60% of total project cost.

12 points = Greater than 60% up to and including 67% of total project cost.

14 points = Greater than 67% up to and including 74% of total project cost.

16 points = Greater than 74% up to and including 81% of total project cost.

18 points = Greater than 81% up to and including 88% of total project cost.

20 points = Greater than 88% of total project cost.

4 – Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

Minimum (0 points): No enhancement of value or expansion of agribusiness, or this element of the evaluation criteria was not addressed.

Maximum (30 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

5 – Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market. (Not a criterion for Commercialization projects)

Minimum (0 points): No research conducted or this element of the evaluation criteria was not addressed.

Maximum (20 points for Commercialization projects and 10 points for Research and Development or Demonstration projects): Documented recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

6 – Economic Development: The degree to which the project demonstrates an increase for in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy. (Not a criterion for Research and Development or Demonstration projects).

Minimum (0 points): No contribution in Florida or this element of the evaluation criteria was not addressed.

Maximum (20 points): Significant potential for economic development in Florida.

7 – Innovative Technology: The project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No innovative new technology or innovative application of existing technology or this element of the evaluation criteria was not addressed.

Maximum (10 points): Project includes the use of an innovative new technology or an innovative application of existing technology.

8 – Project Progress & Timelines: The degree to which the project demonstrates the capability to begin development expeditiously, establishes a readily identifiable ability to show steady progress, and meets project objectives and exhausts grant funds within the 2-year grant agreement timeframe. Project complexity shall be taken into consideration when evaluating this criterion. (Not a criterion for Research and Development or Demonstration projects).

Minimum (0 points): Project demonstrates no ability to expeditiously begin project and show distinct progress and/or project objectives will not be met and grant funds will not be exhausted within the 2-year grant agreement timeframe.

Maximum (10 points): Project demonstrates capacity to expeditiously initiate project, to achieve distinct periodic progress, and to accomplish project objectives and expend funds within grant agreement timeframe.

(b) The department shall establish a review group of no less than four (4) people, one (1) of which shall be from the Department of Environmental Protection. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (6)(a), with the exception of Criterion #6 – Economic Development. With respect to Criterion #6 – Economic Development, this criterion shall be reviewed and scored by a representative from the Office of Tourism, Trade, and Economic Development.

(c) Scored point totals from all reviewers shall be scored and ranked as follows: On each eligible application, reviewers shall individually score each category by assigning a number within the range specified for that category. After all categories on each individual application have been scored, each reviewer shall total the category scores for that application. After all application categories have been scored independently by all reviewers, the totals shall be compiled and the applications, as a whole, ranked. For example, the top scored application by all reviewers shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, and the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

#### (7) AWARD.

(a) For each category, the department shall award grants based upon highest ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, then to the second highest ranked application, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

The maximum amount for a Commercialization project shall be \$7 million and the maximum amount for a Research and Development or Demonstration project shall be \$500 thousand.

(b) For each category, the department shall award up to the total amount requested in individual grant applications to the top ranked applicants up to the maximum amount allowed under paragraph (7)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applicants, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining for each category in each state fiscal year that funds are made available.

(c) In the instance of a ranking tie between two or more applicants, the applicant proposing the higher percentage of matching funds shall be ranked higher. In the instance of a ranking tie between two or more applicants, and those applicants propose the same percentage of matching funds, the higher ranking application shall be determined by lot, i.e. a coin toss.

#### (8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement executed between the department and the grant applicant. The grant agreement must contain all provisions required by Florida Statutes and Florida Administrative Code. If the agreement is not executed within 45 days of the announcement of the award, the grant shall not be awarded to that grant applicant and the department will award the grant amount to the next highest ranked applicant.

(b) Grant agreements shall be limited to no longer than two years in duration and are subject to the availability of an appropriation.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

Specific Authority 570.957 FS. Law Implemented 570.957 FS. History–New \_\_\_\_\_.

## **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

### **Division of Aquaculture**

RULE NO.:

RULE TITLE:

5L-1.003

Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: This amendment proposes to reclassify the Choctawhatchee Bay shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Choctawhatchee Bay shellfish harvesting area.

**SUBJECT AREA TO BE ADDRESSED:** The proposed reclassification and management of the Choctawhatchee Bay shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

**SPECIFIC AUTHORITY:** 597.020 FS.

**LAW IMPLEMENTED:** 597.020 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:** Chris Brooks, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

## **DEPARTMENT OF EDUCATION**

### **State Board of Education**

**RULE NO.:** 6A-2.0010  
**RULE TITLE:** Educational Facilities

**PURPOSE AND EFFECT:** The purpose of the rule development is to further review the requirements as incorporated by reference in the document "State Requirements for Educational Facilities." The effect will be a rule consistent with statute.

**SUBJECT AREA TO BE ADDRESSED:** Educational Facilities Requirements.

**SPECIFIC AUTHORITY:** 1013.01-.82 FS.

**LAW IMPLEMENTED:** 1013.01-.82 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** July 18, 2007, 9:00 a.m. – 12:00 Noon

**PLACE:** Gateway High School, 93 Panther Paws Trail, Auditorium, Kissimmee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400

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

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

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

## **WATER MANAGEMENT DISTRICTS**

### **Southwest Florida Water Management District**

**RULE NO.:** 40D-1.600  
**RULE TITLE:** Permit Applications – General and Noticed General Permits

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to revise Rule 40D-1.600, F.A.C., to state that a General Environmental Resource Permit with an associated proprietary authorization that is of heightened public concern must be approved by the Governing Board. The effect of this revision will allow the Governing Board an opportunity to gain an awareness of these projects and to provide staff with comment and direction prior to appearing before the Board of Trustees.

**SUBJECT AREA TO BE ADDRESSED:** Approval of General Environmental Resource Permits with associated proprietary authorizations.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.118 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:** Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40D-1.600 Permit Applications – General and Noticed General Permits.

(1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, and 40D-40, F.A.C., are issued by staff except when the application is concurrently reviewed with an application for a proprietary authorization that is deemed to be of heightened public concern pursuant to subsection 18-21.0051(4), F.A.C., or denied in which case final action is taken by the Governing Board.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.118 FS. History--New 10-1-84, Amended 12-22-94, 7-2-98, 9-26-02,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the existing Water Well Contractor License Renewal Form to eliminate driver's license number and date of birth from the Form. The effect will be to retain confidentiality of personal information.

SUBJECT AREA TO BE ADDRESSED: Water Well Contractor License Renewal Form.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

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

**GROUND WATER**

- (1) No change.
- (2) APPLICATION FOR RENEWAL OF A WATER WELL CONTRACTOR'S LICENSE FORM NO. LEG-R.004.01 ( ) ~~LEG-R004.00 (10/05)~~.
- (3) through (20) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

- (1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 2-1-05, 6-5-05, 10-19-05, 2-6-07,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose of the rule amendments is to incorporate by reference revisions to the Environmental Resource Permit (ERP) Application, Form 547.27/ERP (2/05), that request information regarding applicants that are corporations, partnerships or trusts. The effect of the proposed revisions will help ensure that ERPs are issued to legal entities, in the correct name.

SUBJECT AREA TO BE ADDRESSED: District forms relating to Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

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

**GROUND WATER**

- (1) through (20) No change.



**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) **JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT**

FORM 547.27 ERP (\_\_\_\_\_ 2/05)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40D-4.051	Exemptions
40D-4.091	Publications and Agreements Incorporated by Reference

**PURPOSE AND EFFECT:** The proposed amendment to Environmental Resource Permit (ERP) rules will exempt from permitting certain minor roadway safety-related activities pertaining to the construction of sidewalks, turn lanes, intersection improvements, road widening, shoulder paving and recreational trails located along roadways. The amendments will streamline the permitting process for minor roadway safety-related projects having no or minimal resource impacts.

**SUBJECT AREA TO BE ADDRESSED:** Environmental Resource Permitting exemptions.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.149, 373.171, 373.414(9) FS.

**LAW IMPLEMENTED:** 373.406, 373.413, 373.414(9) 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:** Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (11) No change.

(12) Minor Roadway Safety Projects. The construction of the following minor roadway safety projects, provided that the capacity of existing swales, ditches or other stormwater management systems is not reduced; the projects are not located within wetlands or other surface waters; and the projects include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation:

(a) Sidewalks adjacent to new or existing roadways that have a width of six feet or less and do not obstruct or impound surface waters;

(b) Turnlanes less than 0.25 mile in length and other intersection improvements; and

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(13) Recreational Paths. Recreational paths adjacent to new or existing roadways, provided that the recreational paths are not located within wetlands or other surface waters; do not obstruct or impound surface waters; best management practices are used during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion or sedimentation; do not exceed eight feet in width for unidirectional paths and 12 feet in width for bidirectional paths; and do not allow motorized vehicles powered by internal combustion engines except for maintenance and emergency vehicles.

~~(14)~~(12) The performance of activities pursuant to the provisions of the exemptions described above does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History–Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, 6-30-05, \_\_\_\_\_.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, for Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ May 2, 2006. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-22-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, \_\_\_\_\_.

Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District

5.8 Alterations to existing public roadway projects will be required to treat a volume equal to those specified in Section 5.2 and the contributing area according to the following options.

~~a. The following alterations will not require water quality treatment when the project involves:~~

~~1. Road widening and shoulder paving which do not create additional traffic lanes or displace existing treatment capacity and only discharge into Class III waters; the applicant must provide reasonable assurance that adequate erosion and turbidity control measures will be provided during construction.~~

~~2. Intersection improvements which do not result in a reduction in the treatment capacity of existing vegetated swales and which discharge only to Class III waters;~~

~~3. In-kind bridge replacements.~~

b. through d. renumbered a. through c. No change.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.091  
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reference Chapter 62-345, F.A.C., which sets forth the Uniform Mitigation Assessment Method (UMAM). The proposed amendment also clarifies that for those projects for which the UMAM does not apply, the existing District rules for calculating wetland mitigation requirements continue to apply.

SUBJECT AREA TO BE ADDRESSED: Wetland mitigation assessment.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, for Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ May 2, 2006. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, \_\_\_\_\_.

Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District

5.8 Mitigation Ratio Guidelines

a. Except as provided in Rule 62-345, F.A.C., subsections 3.3.2 through 3.3.2.3. are superseded by Rule 62-345, F.A.C.

b. Subsections 3.3.2 through 3.3.2.2 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities and are applicable as provided in Rule 62-345, F.A.C. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the areas adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently

provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 3.3.2.1 and 3.3.2.2. For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.091  
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed amendment is to repeal the 2000 agreement between the District and the Florida Department of Agriculture and Consumer Services (FDACS), entered into to facilitate the resolution of disputed claims under Section 373.406(2), Florida Statutes (F.S.). The effect will be the application of a new agreement entered into by the five water management districts and FDACS in compliance with Section 373.407, F.S., and which will replace this District’s existing agreement with FDACS, proposed for repeal.

SUBJECT AREA TO BE ADDRESSED: Publications and agreements adopted by rule and incorporated by reference into the District's rules.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Carrie N. Felice, Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (3) No change.

~~(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), F.S., dated December 13, 2002. This document is available from the District upon request.~~

~~(4)(5) No change.~~

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-4.331  
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to allow applicants to extend the duration of an Environmental Resource Permit (ERP) to be made by letter. Rule amendments also clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Application process for extending the duration of an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429, 373.805 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) No change.

(b) By letter, provided the requested modification does not:

1. through 4. No change.

5. Decrease the required flood control elevations for roads or buildings, or

6. Decrease pollution removal efficiency.

7. ~~Renew or extend the existing permit duration.~~

(3) Applications for modifications of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

(a) through (b) No change.

(c) For any ~~renewal~~ or extension of a current permit, or

(d) No change.

(4) Application for permit modification to ~~renew or extend the existing permit duration shall occur by formal application and review, and such requests shall~~ be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification for construction permit extension ~~renewal~~ will be granted if it is reasonably assured by the applicant and determined that ~~any completed construction is in compliance with a currently valid permit, and~~ the proposed construction will be in compliance with the District's rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) Applications for conceptual permit extension ~~renewal~~ and site conditions assessment permit ~~renewal~~ or extension must comply with the same criteria as new applications.

(c) Each modification to ~~renew or extend~~ can be granted for a duration as needed, up to five years for construction permits and site conditions assessment permits, and up to two years for conceptual permits.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:  
40D-400.443

RULE TITLES:

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation

40D-400.447

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: The purpose of the proposed amendments is to allow noticed general ERPs to be issued for minor activities associated with road bridges and activities conducted within existing roadway rights-of-way or easements. The amendments will clarify what activities are appropriate for a noticed general permit and make the rules more consistent with similar rules adopted by the Florida Department of Environmental Protection and other water management districts.

SUBJECT AREA TO BE ADDRESSED: Noticed General ERPs.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The replacement, ~~or~~ modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

(b) No change.

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

(d) all fill placed in wetlands other than fill ~~all~~ on which a bridge or approach described in paragraph (1)(a) is constructed, shall be regraded to the original wetland elevations and these filled wetland areas revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "Clear Zones" as described in Chapter Three, Roadside Design Manual, American Association of State Highway and Transportation Officials, dated October 1988, revegetation shall be with native herbaceous species endemic to adjoining undisturbed wetlands. These wetland areas shall be maintained and planted as necessary, to ensure that satisfactory revegetation occurs. For the purposes of this general permit, "satisfactory revegetation" means that the herbaceous wetlands, and forested wetlands within clear zones that are disturbed by fill shall have achieved not less than 33 percent cover of planted or naturally reestablished herbaceous wetland species within 18 months of completion of construction, and the forested wetlands other than the forested wetlands in clear zones that are disturbed by fill shall achieve a survival rate of not less than 400 wetland trees per acre within 18 months of completion of construction, and a maintenance plan must be developed and implemented to ensure the survival of the planted or naturally reestablishing wetland species. Within the revegetated wetland areas, non-native vegetation must be controlled such that it does not constitute more than 10 percent of the area cover in any stratum at any time for the five-year period following the initial planting or restoration of the site;

(e) through (k) No change.

(l) this general permit authorized dredging and filling for the replacement, ~~or~~ modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques or for purposes of meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40D-4 or 40D-40, or 40D-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 2-19-04,\_\_\_\_\_.

40D-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties and Municipalities to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing location ~~(project site)~~. The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) through (f) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-24.101	Definitions
40E-24.201	Year-Round Landscape Irrigation Measures
40E-24.301	Local Government Option
40E-24.401	Enforcement

PURPOSE AND EFFECT: The purpose is to amend the mandatory year-round landscape irrigation measures for Lee, Collier and Charlotte counties and to implement the rules District-wide. The proposed amendments are a result of issues raised in rule development workshops to implement District-wide mandatory year-round landscape irrigation measures. The earlier notice of rule development was published in Vol. 33, No. 22, June 1, 2007, issue of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: Proposed measures setting forth standards for local government's ordinance adoption regarding specific days of the week and times of day for landscape irrigation for residential, public, commercial and recreation areas.

SPECIFIC AUTHORITY: 120.54, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54, 373.042, 373.0421, 373.103, 373.117, 373.223, 373.609 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 5 days before the workshop/meeting by

contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Adams, Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, ext. 6785 or (561)682-6785, email: badams@sfwmd.gov. For procedural issues, contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-24.101 Definitions.

The preliminary text of the proposed rule amendment is not available.

40E-24.201 Year-Round Landscape Irrigation Measures.

(1) through (4) No change.

(5) The following requirements or exceptions shall apply to all users unless specified otherwise herein:

(a) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

(b) Even addresses as defined in subsection 40E-24.101(4), F.A.C., may accomplish necessary landscape irrigation only on Tuesday, and/or Thursday and/or Sunday.

(c) Odd addresses as defined in subsection 40E-24.101(7), F.A.C., and rights-of-way or other locations without an address may accomplish necessary landscape irrigation only on Monday and/or Wednesday and/or Saturday.

(d) Installations with irrigation systems which irrigate both even and odd addresses within the same zones, including multi-family units and homeowners' associations, may accomplish necessary landscape irrigation of individual zones on Monday, Wednesday and Saturday or Tuesday, Thursday and Sunday. No zone shall be irrigated more than 3 times per week.

~~(e)~~ Landscape irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes.

~~(f)~~ Landscape irrigation for the purpose of watering in insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall be allowed under the following conditions:

1. Such watering-in shall be limited to one application in the absence of specific alternative instructions from the manufacturer; and

2. Such watering-in shall be accomplished during normally allowable watering days and times unless a professional licensed applicator has posted a temporary pesticide sign containing the date of application and the date(s) of needed watering-in activity.

~~(g)~~ Any plant material may be watered using low-volume hand watering methods without regard to the watering days or times allowed pursuant to this section.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History–New 6-12-03, Amended.

40E-24.301 Local Government Option.

(1) Local governments that wish to enforce alternative landscape irrigation measures, shall be considered to be in substantial compliance with this rule upon the enactment of an ordinance establishing landscape irrigation measures which achieve water conservation and which allow no more cumulative time for landscape irrigation than subsection 40E-24.201(5), F.A.C. Such ordinance shall provide for variance procedures that do not diminish the effectiveness of the measures. Local governments with a jurisdiction divided between the South Florida Water Management District and another water management district may propose an alternative schedule of measures as necessary for the local government to achieve a uniform schedule within its jurisdiction.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.223 FS. History–New 6-12-03, Amended.

40E-24.401 Enforcement.

The preliminary text of the proposed rule amendment is not available.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61D-11.001	Definitions
61D-11.002	Cardroom Games
61D-11.003	Card-Play Hands
61D-11.004	Dealer Responsibilities
61D-11.005	Prohibitions

- 61D-11.006 Inspection of Premises, Records
- 61D-11.007 Cardroom Operator License
- 61D-11.008 Cardroom Business Occupational License
- 61D-11.009 Cardroom Employee Occupational License
- 61D-11.011 Notification of Criminal Conviction or Charge
- 61D-11.012 Duties of Cardroom Operators
- 61D-11.013 Duties of Cardroom Employee Occupational Licensees
- 61D-11.014 Cards
- 61D-11.015 Chips and Tokens
- 61D-11.016 Card Tables
- 61D-11.017 Admissions Requirements
- 61D-11.018 Reporting Requirements to Determine Net Proceeds
- 61D-11.019 Internal Control System
- 61D-11.020 Card Game Drop Box Procedures
- 61D-11.021 Card Game Tip Box Procedures
- 61D-11.022 Cardroom Imprest Bank
- 61D-11.023 Accounting for Transactions Between Card Table Imprest Tray and Cardroom Imprest Bank
- 61D-11.024 Rake-Off Procedures
- 61D-11.025 Cardroom Electronic Surveillance

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules will be to implement changes in accordance with Senate Bills 134 and 752, which both have an effective date of July 1, 2007.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed in these rules are: Amendments to the existing rules and potential new rules to address the play of dominoes, applications for a cardroom license, giveaways, jackpots, and prizes for players with specific combinations of cards, increase in wagering amounts, rules to implement play of Texas Hold'em with a buy-in of no more than \$100, and rule to implement tournament play. There may also be additional rule numbers created to implement changes to Section 849.086, FS.  
**SPECIFIC AUTHORITY:** 550.0251(12), 849.086(4), (4)(a), (5), (6), (7), (8), (10), (11), (12), (13), (14) FS.

**LAW IMPLEMENTED:** 849.086(4)(a), (b), (f), (6), (7)(a) 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:** July 23, 2007, 9:00 a.m. – 5:00 p.m.  
**PLACE:** Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

**RULE NO.:** 61D-12.001  
**RULE TITLE:** Incorporated and Approved Forms  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules will be to amend the various forms related to cardrooms used by the Division of Pari-Mutuel Wagering in accordance with Senate Bills 134 and 752, which have an effective date of July 1, 2007.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed in this rule is changes to forms of the Division of Pari-Mutuel Wagering related to cardrooms needed to implement changes in Section 849.086, F.S.

**SPECIFIC AUTHORITY:** 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS.

**LAW IMPLEMENTED:** 849.086 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:** July 23, 2007, 9:00 a.m. – 5:00 p.m.  
**PLACE:** Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-20.003  
 RULE TITLE: Inspections

PURPOSE AND EFFECT: To address inspection frequency.  
 SUBJECT AREA TO BE ADDRESSED: Inspections.  
 SPECIFIC AUTHORITY: 477.016 FS.  
 LAW IMPLEMENTED: 477.025(4), (9) 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-20.003 Inspections.

The Department of Business and Professional Regulation shall cause an inspection of all proposed salons to determine if all the requirements have been met. Each licensed salon shall be inspected at least ~~bi-annually~~ annually by the Department. No person shall, for any reason intentionally, or directly inhibit an authorized representative of the Department from performing said inspections.

Specific Authority 477.016 FS. Law Implemented 477.025(4), (9) FS. History--New 4-22-81, Amended 9-11-81, 5-3-82, 10-6-85, Formerly 21F-20.03, Amended 10-18-87, Formerly 21F-20.003, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.010  
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates

PURPOSE AND EFFECT: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.

SUBJECT AREA TO BE ADDRESSED: License Reactivation Education for Brokers and Sales Associates.

SPECIFIC AUTHORITY: 475.05 FS.  
 LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) Brokers and sales associates holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year period is the first day the broker or sales associate failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's right to request an active or voluntarily inactive license automatically expires, by operation of law.

(2) Effective October 1, 2007, a A licensee may reactivate a license that has been involuntarily inactive for more than 12 months but less than 24 months by satisfactorily completing 28 hours of a Commission-prescribed education course derived from the Florida Real Estate Commission Salesperson Course Syllabus (FREC for licensure as a sales associate Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions. The course shall contain coverage of the following topics: Real Estate License Law and Qualifications for Licensure (Session 2); Real Estate License Law and Commission Rules (Session 3); Authorized Relationships, Duties and Disclosure (Session 4); Real Estate Brokerage Activities: Guides for Salespersons (Session 5); Violations of License Law, Penalties and Procedures (Session 6); Federal and State Laws Pertaining to Real Estate (Session 7); Real Estate Contracts (Session 11); Real Estate Related Computations and Closing of Transactions (Session 14); and Real Estate Investments and Business Opportunity Brokerage (Session 17).

(3) Students who fail the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students who fail the end-of-course examination must repeat the course again to become eligible to take the end-of-course examination. Schools shall administer a different end-of-course examination to a student who retakes the exam or repeats the course.



~~(4)~~~~(3)~~ A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission-prescribed ~~25-item~~ end-of-course examination. The end-of-course examination shall contain 2 items per instructional hour or a minimum of 50 questions. The school must develop at least two forms of the end-of-course examination and submit them to the Department for approval. All courses shall conform to the requirements of Rule 61J2-3.008, F.A.C. The school shall test only students who have completed at least 90% of the required hours of instruction.

~~(5)~~~~(4)~~ The school offering these Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course and issue a notice of course completion as prescribed by the Commission in Rule 61J2-3.015, F.A.C.

~~(6)~~~~(5)~~ Accredited universities, colleges, community colleges in this state, area technical centers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or sales associate until such person has met all other requirements of law.

~~(7)~~~~(6)~~ Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule.

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

**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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-6.001 RULE TITLE: Renewal of Active License

PURPOSE AND EFFECT: The Board proposes the rule amendment deleting the provision that would give an applicant credit for taking video cassette courses.

SUBJECT AREA TO BE ADDRESSED: Deletion of language that would give an applicant credit for taking video cassette courses.

SPECIFIC AUTHORITY: 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.001 Renewal of Active License.

(1) through (3) No change.

~~(4)~~ Pursuant to Section 456.013(6), F.S., credit for video cassette courses shall not exceed 5 hours per subject and proof of completion shall be submitted to the Department along with the license renewal application on a validation form signed by the vendor and the licensee. For the purpose of this section, the validation form shall be a copy of the certificate of completion pursuant to paragraphs 64B4-6.003(4)(a) and (b), F.A.C.

~~(4)~~~~(5)~~ Continuing Education hours earned by a licensee to satisfy any disciplinary action shall be in addition to those required for renewal for each biennium.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law Implemented 456.013(6), (7), 456.031(1)(a), 491.007(2) FS. History–New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, 7-16-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-7.007 RULE TITLE: Requirement to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy

PURPOSE AND EFFECT: To clarify type of education and training.

SUBJECT AREA TO BE ADDRESSED: Requirements to Hold Out as Certified to Practice Juvenile Sex Offender Therapy.

SPECIFIC AUTHORITY: 491.004(5), 491.0144 FS.

LAW IMPLEMENTED: 491.0144 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: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.007 Requirements to Hold Oneself Out as Qualified to Practice Juvenile Sex Offender Therapy. Effective October 1, 2000, in order for a licensed clinical social worker, marriage and family therapist or mental health counselor to hold oneself out as one qualified to practice juvenile sex offender therapy the licensee must have:

(1) Completed education and training through course work which meets the standards for approval as set forth in Rule 64B4-6.002, F.A.C., in the following subject area:

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

Specific Authority 491.004(5), 491.0144 FS. Law Implemented 491.0144 FS. History--New 2-9-99, Amended 4-24-00, 8-24-00,\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-22.110
RULE TITLE: Course Content
PURPOSE AND EFFECT: To delete specific standard.
SUBJECT AREA TO BE ADDRESSED: Course Content.
SPECIFIC AUTHORITY: 491.004(5) FS.
LAW IMPLEMENTED: 491.005(3) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-22.110 Course Content. The course requirements set forth in Section 491.005(3), F.S., shall contain the following content:
(1) through (4) No change.

(5) Psychopathology. This course prepares the student in the evaluation and classification of abnormal human behavior and psychiatric disorders in individuals according to current diagnostic standards (~~DSM-III-R; ICD-9~~).

(6) through (13) No change.

Specific Authority 491.004(5) FS. Law Implemented 491.005(3) FS. History--New 8-20-92, Amended 1-27-93, Formerly 21CC-22.110, Amended 2-22-94, Formerly 61F4-22.110, 59P-22.110, Amended 10-15-02,\_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
RULE TITLE: Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To address course of study and classroom hour requirements.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board of Massage Therapy Approval.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.041(1)(b) 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003
RULE TITLE: Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: To correct statutory citations.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board of Massage Therapy Approval.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.041(1)(b) 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-32.003 Minimum Requirements for Board of Massage Therapy Approval

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005 246, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) through (5) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:                   RULE TITLE:

64B15-12.003               Applications for Licensure

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUBJECT AREA TO BE ADDRESSED: Applications for Licensure.

SPECIFIC AUTHORITY: 456.031(4), 456.033(7), 459.005, 459.0055(1)(i) FS.

LAW IMPLEMENTED: 456.031(2), 456.033(6), 459.0055, 459.006, 459.007 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NOS.:	RULE TITLES:
65A-1.707	Family-Related Medicaid Income and Resource Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed amendments clarify policy regarding the treatment of paid medical expenses in the Medically Needy Program. This will benefit recipients by allowing the use of previously paid medical expenses as a deduction to meet their share of cost.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments will revise language to be consistent with federal requirements that allow a deduction of medical bills paid prior to the month of eligibility.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.918, 409.919 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: July 25, 2007, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.:                   RULE TITLE:  
IT-1.001                   Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this amendment will be to change in rule policies for the Division’s grant programs and the Cultural Support Grant Program.

SUMMARY: The proposed rule adds that state-supported institutions cannot use state funds as match and are also not allowed to include overhead/indirect costs in the Grant Proposal Budget for any Division grant programs. It adds to the Cultural Support Grants Program that museums must be