

64H-2.002 Institutional Review Board Applications.

(1) Applications for Institutional Review Board review shall be submitted electronically using the IRB Wise system available at the program’s website <http://FLpublichealth.ETHICS.net/>. The website address is also available by contacting: Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

(2) An application fee shall be charged according to the following schedule for researchers not affiliated with the Department of Health: Initial Applications \$350, Amendments \$350, and Continuing Reviews \$350. Continuing Review Applications are due 60 days prior to study expiration; late applications will be assessed a \$700 fee. Application fees are due at the time of submission and applications will not be processed until payment is received by the department. Application fees are waived for any student who is a candidate for a degree at a university located in this state.

Specific Authority 381.86 FS. Law Implemented 381.86(5) FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-9.004 Consumer Brochure

PURPOSE AND EFFECT: Section 497.282(9), F.S., requires licensees to display and provide to all potential customers a brochure explaining how and by whom cemeteries and preneed sales are regulated, summarizing consumer rights, and providing the address and phone number of the Division of Funeral, Cemetery, and Consumer Services. The format and content of the brochure shall be prescribed by rule. Section 497.282(9), F.S., authorizes the Department to publish such brochures and to require cemetery and preneed licensees to purchase and make such brochures available in the licensee's offices to all potential customers. The proposed rule implements this statutory provision by adopting the consumer brochure as a form.

SUBJECT AREA TO BE ADDRESSED: Consumer brochure to be displayed by cemetery and preneed licensees.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.167(5), 497.282(9) FS.

LAW IMPLEMENTED: 497.167(5), 497.282(9) 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: Tuesday, August 7, 2007, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Diana Evans, (850)413-3039. 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: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-9.004 Consumer Brochure.

Each cemetery and preneed licensee offering to provide burial rights, merchandise, or services to the public shall display in its offices for free distribution to all potential customers, and provide to all customers before the contract is signed by the purchaser, a brochure entitled “Pre-Need Funeral & Cemetery Arrangements,” Form DFS-N1-1698, effective 10-06. This brochure is incorporated by reference in Rule 69K-1.001, F.A.C. The brochures must be obtained from the Department and cannot be printed by a licensee or a private vendor for a licensee. Brochures can be obtained, at Department cost, by written request mailed to the Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, 200 East Gaines Street, Tallahassee, FL 32399-0361. Brochures will be provided in increments of 100 with a minimum order of 100 brochures.

Specific Authority 497.103(5)(b), 497.167(5), 497.282(9) FS. Law Implemented 497.167(5), 497.282(9) FS. History—New _____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.09401 Student Performance Standards

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to adopt the 2007 Sunshine State Standards for Mathematics as authorized by Section 1001.03, Florida Statutes, to ensure adequate rigor, relevance, and student progression are maintained.

SUMMARY: Section 1001.03, Florida Statutes, provides for the adoption of a set of student performance standards (Sunshine State Standards) and requires that the standards be reviewed periodically to ensure their continued rigor and relevance, among other things.

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

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

SPECIFIC AUTHORITY: 1001.02 FS..

LAW IMPLEMENTED: 1001.03 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 14, 2007, 9:00 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Department of Education, Office of Science and Mathematics, 325 West Gaines Street, Tallahassee, Florida, (850)245-0834

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. The benchmarked standards in paragraphs (1)(b)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Pre-k-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

(a) Sunshine State Standards – Reading and Language Arts, July 2007,

(b) Sunshine State Standards – Mathematics, 2007 ~~1996~~,

(c) Sunshine State Standards – Science, 1996,

(d) Sunshine State Standards – Social Studies, 1996,

(e) Sunshine State Standards – Foreign Languages, 1996,

(f) Sunshine State Standards – The Arts, 1996, and

(g) Sunshine State Standards – Health/Physical Education, 1996, and

(h) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 FS. Law Implemented 1001.03 FS. History--New 6-18-96, Amended 9-28-99, 3-1-07, 7-25-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Department of Education, Office of Science and Mathematics, 325 West Gaines Street, Tallahassee, Florida, (850)245-0834

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.014	General Requirements for Adult General Education Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to revise the list of approved assessment instruments to align with Federal reporting standards. The major changes include the addition of the Comprehensive Adult Student Assessment System (CASAS) to Adult Basic Education Programs (ABE) and the deletion of Adult Language Assessment Scale (A-LAS) from the ESOL/ELCATE Program as this assessment has been discontinued by the publisher. The effect will be a rule which is in compliance with the United States Department of Education to ensure eligibility for federal funds, and to afford local providers with additional assessment options in the area of Adult Basic Education.

SUMMARY: This rule is amended to revise the list of approved assessment instruments to be in compliance with the United States Department of Education's list of approved instruments and to allow greater flexibility to providers.

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

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

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1008.405, 1011.80 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 14, 2007, 9:00 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Teresa Bestor, Director, Adult Education Programs, Division of Workforce Education, 325 West Gaines Street, Room 644, Tallahassee, Florida 32399-0400; (850)245-9906

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.014 General Requirements for Adult General Education Program.

In the operation of adult general education programs, the following general requirements shall apply:

(1) Facilities. Instructional facilities should be consistent with the number and nature of adults served, as well as instructional methods and objectives. They should provide program accessibility for persons with disabilities as required by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

(2) Enrollment. Enrollment shall be limited to individuals who have legally left the elementary or the secondary school as specified in Section 1003.21(1)(c), Florida Statutes; provided, however, that the school may temporarily assign individual students of compulsory school age to one (1) or more classes offered in the adult general education program where such students exhibit an educational need which can more effectively be served by the adult general education program when such courses are required for high school graduation.

(3) Teacher qualifications. Adult general education classes for which state funds are earned shall be taught by qualified teachers as defined in Rule 6A-1.0503, F.A.C., or as approved by a community college board of trustees as defined in Rule 6A-14.024, 6A-14.0247, F.A.C.

(4) Academic skills tests for adults.

(a) The following tests, English language versions only, are approved to be used for placement of a student enrolled in the adult general education program and shall be used according to standards established for test administration and interpretation set forth in Standards for Educational and Psychological Testing (APA, AERA, NCME, 1992) and with appropriate accommodations for students with disabilities as specified in Section 1004.02(7), Florida Statutes.

1. Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 9 & 10, (all active assessments as of the date of adoption of this rule) 2003; or

2. Comprehensive Adult Student Assessment System (CASAS), (all active assessments as of the date of adoption of this rule). ~~Tests of Adult Basic Education (TABE), Complete Battery or Survey Form, Forms 7 & 8, 1994.~~

(b) When testing students enrolling in Adult ESOL or English Literacy for Career and Technical Education (ELCATE) ~~ESOL~~ whose first language is not English, one of the following tests must be used:

~~1. Adult Language Assessment Scales (A-LAS, 1991);~~

~~1.2. Comprehensive Adult Student Assessment System (CASAS), 1996 (Reading and Listening), (all active assessments as of the date of adoption of this rule);~~

~~3. Comprehensive Adult Student Assessment System (CASAS) — Life and Work, 2001;~~

~~2.4. Basic English Skills Test (BEST) Plus, (all active assessments as of the date of adoption of this rule) 2003; or~~

~~3.5. Basic English Skills Test (BEST), (all active assessments as of the date of adoption of this rule) 1984;~~

~~4.6. Comprehensive Adult Student Assessment System (CASAS) Employability Competency System Reading Skills for English Literacy for Career and Technical Education (ELCATE) students.~~

(c) If an adult student has a documented disability and the instruments in paragraph (4)(a) of this rule, with accommodations are not an accurate measure of the student's ability, one of the following tests shall be used for placement in an adult general education program:

1. Brigance Employability Skills, (all active assessments as of the date of adoption of this rule) 1995;

2. Brigance Life Skills, (all active assessments as of the date of adoption of this rule) 1994;

3. Comprehensive Test of Adaptive Behaviors (CTAB), (all active assessments as of the date of adoption of this rule) 1986;

4. Comprehensive Adult Student Life Assessments (CASAS) ~~STRETCH~~, (all active assessments as of the date of adoption of this rule), or 1996;

~~5. Comprehensive Adult Life Assessment (CASAS) — Test for Special Populations, 1996; or~~

~~5.6. Kaufman Functional Adult Student Assessment System (K-FAST), (all active assessments as of the date of adoption of this rule) 1994.~~

(d) If an adult student has a documented disability and the instruments listed in this rule are not an accurate measure of the student's ability, documentation must be kept showing an attempt was made to assess the student, and the results of this attempt should be kept in the student's record for audit purposes.

(5) Student progress will be measured by progression through Literacy Completion Points (LCPs) using one or more of the following:

(a) Grade level/scale score improvements measured by an approved test;

(b) Successful completion of curriculum frameworks and/or course performance standards (for applicable programs reporting outcomes for state reporting and funding purposes only); or

(c) Attainment of GED or Adult High School Diploma.

Specific Authority 1001.02(1) FS. Law Implemented 1008.405, 1011.80 FS. History—Amended 2-20-64, 4-11-70, 11-17-73, 2-18-74, 6-17-74, Repromulgated 12-5-74, Amended 12-6-84, Formerly 6A-6.14, Amended 12-28-86, 10-17-89, 12-29-98, 4-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Bestor, Director, Adult Education Programs, Division of Workforce Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Luci Hadi, Chancellor, Workforce Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2007

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-50.003 RULE TITLE: Fee Schedule and Annual Invoicing and Data Updating

PURPOSE AND EFFECT: To modify the Special District Fee Invoice and Update Form to include information regarding the creation document, map and last update.

SUMMARY: This amendment proposes to modify the Special District Fee Invoice and Update Form to add information regarding whether the creation document and map are on file as required, and the date the department received the last update from the special district.

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

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

SPECIFIC AUTHORITY: 189.425 FS.

LAW IMPLEMENTED: 189.427 FS.

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

DATE AND TIME: August 13, 2007, 10:00 a.m.

PLACE: Room 250L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Gaskins, Jr., Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1457, SUNCOM 292-1457

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-50.003 Fee Schedule and Annual Invoicing and Data Updating.

(1) On or about October 1 of each year, and at least 60 days prior to the due date, the Department shall send the Special District Fee Invoice and Update Form, DCA-SDIP-001, effective 3-1-2003, revised _____ ~~Fee~~ (hereby incorporated by reference and available from the Special District Information Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100) by regular mail to the registered agent of each special district registered with the Special District Information Program. For newly created special districts, the Department shall send the Special District Fee Invoice and Update Form by regular mail to the registered agent of the special district or an appropriate contact person if a registered agent has not yet been appointed, at the time of registering the special district with the Special District Information Program.

(2) through (4) No change.

Specific Authority 189.425 FS. Law Implemented 189.427 FS. History—New 5-1-90, Amended 3-14-91, 12-3-91, 8-10-97, 3-17-99, 3-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Gaskins, Jr., Special District Information Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-1.001	Purpose
18-1.002	Definitions
18-1.003	General Requirements
18-1.004	Title

- 18-1.005 Appraisal Map and Survey
- 18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts
- 18-1.007 Appraiser Eligibility and Selection
- 18-1.008 Negotiations
- 18-1.009 Purchase Instruments
- 18-1.010 Exchanges
- 18-1.011 Board Action
- 18-1.012 Closing
- 18-1.013 Donations
- 18-1.014 Multi-Party Acquisitions

PURPOSE AND EFFECT: The rule is being amended to implement changes in statute regarding acquisition of conservation lands, and changes in Board of Trustees' policies regarding conservation lands and appraisals. This will satisfy the recommendations of the Auditor General's Office in a June 2005 operational audit of the Department, and will update the rule to conform it to current practice of the Trustees.

SUMMARY: The rule amendments: add or amend definitions to clarify appraisal-related terms; add references to Chapter 259, F.S. for acquisition of conservation lands; provide standards and criteria for appraisals; incorporate by reference the Supplemental Appraisal Standards for Board of Trustees Land; and update appraiser selection procedures to reflect current practices for land acquisition.

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

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

SPECIFIC AUTHORITY: 253.025(6), 253.025(7), 253.025(12), 253.03(7), 253.034(6), 259.041(2), 259.041(7) FS.

LAW IMPLEMENTED: 253.025, 259.041 FS.

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

DATE AND TIME: August 21, 2007, 10:00 a.m. EDT

PLACE: Conference Room A, Marjory Stoneman Douglas Building, DEP, 3900 Commonwealth 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: Kerry Drakes, DEP, Division of State Lands, Bureau of Appraisal, MS 110, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2658, Kerry.Drakes@

dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Drakes, above

THE FULL TEXT OF THE PROPOSED RULES IS:

18-1.001 Purpose ~~and Intent~~.

State land acquisition procedures provided for in this rule are for voluntary, negotiated acquisitions under agreements for purchase, option or exchange. The purpose ~~and intent~~ of this chapter is to provide uniform and efficient procedures for the acquisition of interests in real property, and donation of such interests, title to which will vest in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, in accordance with legal requirements and sound business practice. As used in this chapter, Section 253.025, F.S., shall mean and refer to the acquisition of non-conservation lands, and Section 259.041, F.S., shall mean and refer to the acquisition of conservation lands.

Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History–New 6-16-86, Amended _____.

18-1.002 Definitions.

When used in this chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) “Acquiring ~~a~~Agency” means a state agency initiating acquisition of land or for whose benefit land is being acquired, title to which will vest in the Board. The term “acquiring agency” does not include the Board or the Division acting on behalf of the Board. In cases where the Division, acting for the Board, is the acquiring agency, and this rule requires that the acquiring agency submit documents or information to the Division, the Division shall acquire such documents or information.

(2) through (3) No change.

(4) “Appraisal services” means valuation work in the form of an appraisal, appraisal review or appraisal consulting assignment, as outlined in the USPAP.

(5) “Appraiser” means one who is expected to perform appraisal services competently and in a manner that is independent, impartial and objective.

~~(6)~~(4) “Approved ~~a~~Appraisal” means an appraisal service that has been approved ~~accepted~~ by the Chief Appraiser, Bureau of Appraisal, Division of State Lands, or designee as in compliance with USPAP, the Supplemental Standards, this chapter, and the specific assignment requirements., ~~for use in calculating the amount that the state can pay for property.~~

~~(7)(5)~~ “Approved ~~a~~Appraisal ~~o~~Organization” means an appraisal organization that ~~has been approved by the Board pursuant to this rule is a member of the Appraisal Foundation, a foundation authorized by the United States Congress as the source of appraisal standards and appraiser qualifications.~~

~~(8)(6)~~ “Board” means the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida.

~~(9)(7)~~ No change.

~~(10)(8)~~ “Certified ~~s~~Survey” means a boundary survey, as further defined in Rule 18-1.005, F.A.C., which is certified, signed and sealed by a professional registered surveyor and mapper authorized to practice surveying in the State of Florida, ~~and~~ The survey must be approved by the Division’s Bureau of Survey and Mapping as being in compliance with the mMinimum tTechnical sStandards for lLand sSurveying in Florida as established by the Florida Department of Business and Professional Regulation, and such additional requirements as may be determined by the Division to be necessary to meet the intent of the statute or and this rule. The survey shall accurately portray to the greatest extent practicable the condition of the parcel’s boundaries, improvements and encumbrances as it currently exists. The survey must have been certified within 90 days of the closing on the property unless this requirement is waived by the Division and by the title insurer for the purpose of deleting the standard exceptions for survey matters, and easements, or claims of easements not shown by the public records from the owner’s title policy and the Division.

~~(11)(9)~~ No change.

~~(12)~~ “Conservation lands” shall be defined as provided in Rule 18-2.017, F.A.C.

~~(13)(10)~~ “Cooperating ~~a~~Agency” means a local government, water management district, or a nonprofit an organization as defined in Section 253.025(6)(d), F.S. or 259.041(7)(e), F.S., that has entered into an acquisition agreement with the Division to assist in the acquisition of acquire specific property by the Board.

~~(11)~~ through ~~(12)~~ renumbered ~~(14)~~ through ~~(15)~~ No change.

~~(16)(13)~~ “Evidence of ~~m~~Marketable ~~t~~Title” means assurance of the marketability of the land being acquired, in the form of ~~either~~ a marketability title commitment and policy (American Land Title Association [ALTA] Form B with Florida revisions), ~~or a complete, certified abstract from earliest public records to the time of deed recording, with a marketability title opinion prepared by an attorney licensed to practice law in Florida. The coverage, form and exceptions of the either title insurance must be or title opinion is subject to the approved at by of the Division in order to assure that title is marketable and compatible with the purposes of the acquisition~~

~~the State’s interests are fully protected. The terms “Title Policy” and “Title Commitment” “Title Opinion” are included within this definition.~~

~~(14)~~ “Secretary” means the Executive Director, Department of Environmental Protection.

~~(15)~~ through ~~(17)~~ renumbered ~~(17)~~ through ~~(19)~~ No change.

~~(20)(18)~~ “Market ~~v~~Value” means the most probable price ~~in cash or terms equivalent to cash~~ for which the appraised property will sell, as further defined in the Supplemental Standards in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming that neither is under undue duress.

~~(21)(19)~~ “Option ~~a~~Agreement” means a purchase instrument ~~that is which becomes binding on both parties at the time of execution, but~~ subject to Board approval and to the exercise of an option or options.

~~(22)(20)~~ No change.

~~(23)(21)~~ “Purchase ~~i~~nstrument” means one of the various types of contracts to purchase property, including purchase agreements, option agreements, exchange agreements and other forms of such agreements.

~~(24)~~ “Secretary” means the Secretary of the Department of Environmental Protection.

~~(25)(22)~~ No change.

~~(26)~~ “Supplemental Standards” means the Supplemental Appraisal Standards for Board of Trustees Land, dated [effective date], which contains appraisal requirements that establish public policy and add to the standard appraisal procedures and practices of the appraisal profession for the development and reporting of all appraisal services, including those outlined in Chapters 253 and 259, F.S., adopted by the Board of Trustees of the Internal Improvement Trust Fund, available on the internet at: <http://www.dep.state.fl.us/lands/appraisal/> or by sending a request to: Department of Environmental Protection, Bureau of Appraisal, 3900 Commonwealth Boulevard, M.S. 110, Tallahassee, Florida, 32399-3000 or by phone at (850)245-2658 or by fax at (850)245-2668.

~~(27)(23)~~ No change.

~~(28)(24)~~ “USPAP” means the Uniform Standards of Professional Appraisal Practice, effective July 1, 2006, which contains the generally accepted standards of the appraisal profession that deal with the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which such appraisal, analysis, or opinion is communicated, as promulgated by the Appraisal Foundation, available on the internet at: <http://www.appraisalfoundation.org> or by directing your request to: The Appraisal Foundation, 1155 15th Street, N. W., Suite 1111, Washington, DC 20005.

Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 10-30-91, _____.

18-1.003 General Requirements.

(1) ~~Neither the Board nor its agent shall commit the State to the purchase of land, through any instrument of negotiated contract or agreement for purchase, unless the provisions of Section 253.025, F.S. and of this rule, have been complied with. However, the Board may substitute alternate procedures for this rule and for the provisions of Section 253.025, F.S. as follows:~~

~~(a) Federally mandated acquisition procedures may be used when federal funds are available, and will be utilized for the purchase of land, and qualification for such federal funds requires compliance with federally mandated acquisition procedures; or~~

~~(b) Federal appraisals may be used when, pursuant to a joint federal and state acquisition project, lands are being acquired by the Board for anticipated sale, conveyance, or transfer to the Federal Government; or~~

~~(c) Department of Transportation appraisal procedures may be used when abandoned railroad rights-of-way are to be appraised.~~

~~(2) The Board may waive any provision of this rule and Section 253.025, F.S., when land is being conveyed to the Board from another State agency, except that except that the maximum amount requirements of paragraph 253.025(6)(e), F.S., may not be waived.~~

~~(1)(3) Prior to any acquiring agency initiating acquisition of property, the agency shall contact the Division to determine the availability of existing suitable state-owned lands in the area which meet the public purpose for which the acquisition is being proposed. If the acquiring agency determines that no suitable state-owned lands exist, it may proceed to acquire the property by employing this rule and all available statutory authority for acquisition. For purposes of the acquisition of conservation lands ~~this subsection~~, the adoption of the council Conservation and Recreation Lands (CARL), the Save Our Coast (SOC), and the Land Acquisition Trust Fund (LATF) acquisition lists by the Board pursuant to Sections 259.04, 253.023 and 375.041, F.S., or other land acquisition program lists constitutes a finding that no suitable replacement lands exist.~~

~~(4) All conveyances to the Board of fee title in land shall be by no less than a special warranty deed, unless the conveyance is from the Federal Government, county government, other state agency, or, if a gift or donation by quitclaim deed, if the Board, or its designee, determines that accepting such quitclaim deed is in the best interest of the public. The Board may accept a quitclaim deed to aid in clearing title or boundary questions.~~

(2) For all appraisals services required by the Board and obtained by an acquiring agency or other entity, appraiser selection will be in accordance with this Chapter.

Specific Authority 253.025(12), 259.041 FS. Law Implemented 253.03, 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, _____.

18-1.004 Title.

(1) Initial Title Report. In order for the Division to obtain appraisals, ~~the acquiring agency shall furnish to the Division a title report, including an adequate legal description; of the property to be acquired sufficient to inform the Division and the fee appraisers of the status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history shall be obtained. If an acquiring agency has initiated the acquisition or the acquisition is for the benefit of an acquiring agency, then the title report shall be furnished to the Division by the acquiring agency. This information shall be furnished in a form determined by the Division to be sufficient for these purposes.~~

(2) Evidence of Marketability.

~~(a) A title commitment Final evidence of marketable title shall be obtained by the Division, at the acquiring agency's cost if an acquiring agency is involved in the acquisition, provided by the landowner prior to the conveyance of title. The form and content of such evidence of marketable title shall demonstrate that title is marketable and compatible with the purposes of the acquisition is subject to the approval of the Division in order to assure that the State's interests are fully protected. The Board may waive the requirement that the landowner provide evidence of marketable title; and in that case the acquiring agency shall provide evidence of marketable title. If a title policy is to be furnished as evidence of marketable title, the final policy must be preceded by a title commitment. Title insurers issuing title policies, abstractors preparing abstracts, and attorneys issuing marketability opinions must be approved by the Division, in order to assure that the State's interests are fully protected.~~

(b) No change.

(3) Condition of Title. The objective of negotiations for acquisition of property is to obtain all the landowner's rights, title and interest in the property, ~~together with such rights~~ as are necessary for the planned management or conservation of the property. All exceptions, reservations, encroachments or other adverse conditions ~~that which~~ are disclosed in the course of preparing to negotiate, negotiating, contracting or closing shall be individually examined by the Division and the acquiring agency, if any, and evaluated ~~in writing~~ as to possible adverse effect on the objectives of the agency in acquiring the property. ~~The acquiring agency shall notify the Division of all such exceptions, reservations, encroachments or adverse conditions and the agency's evaluation of those matters as soon as practicable.~~ All such matters potentially having an adverse

effect on acquisition goals which become apparent prior to Board approval will be disclosed to the Board at the time of approval.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90,_____.

18-1.005 Appraisal Map and Survey.

(1) For each project or parcel of property ~~the acquiring agency shall submit to the Division shall provide for use by the fee appraisers, at acquiring agency's cost if an acquiring agency is involved in the acquisition,~~ either a certified survey or appraisal map ~~containing an adequate legal description of the property. The survey or appraisal map will be subject to the approval of the Division for compliance with standards set forth in this rule.~~

(2) Prior to closing, a certified survey must be obtained, at the submitted by the landowner or the acquiring agency's cost if an acquiring agency is participating in the acquisition unless the following criteria has been met:

(a) The parcel is surrounded by state-owned land or surrounded by land the state intends to acquire;

(b) The parcel is located within a subdivision or in a Section in which the controlling land corners have been recently surveyed and the survey drawing is acceptable for computing acreage;

(c) The parcel is in its unimproved condition;

(d) Although the parcel lines were not surveyed, it appears that the boundaries of the parcel do not adjoin fences or improvements other than those managed by the state;

(e) The parcel was visually inspected; and

(f) The managing agency concurs that the parcel does not need to be surveyed.

~~to the Division for final approval. In cases in which a survey cannot be practically completed or in which the cost of the survey would be prohibitive relative to the expected value of the parcel, the requirement for such certified survey may, in whole or in part, be waived by the Board of Trustees.~~

(3) ~~The acquiring agency shall have the authority to reimburse the owner for all or part of the cost of the survey when deemed to be in keeping with the purposes of Section 253.025, F.S., by the head of the agency or his designee. Such reimbursement will not be considered a part of the purchase price.~~

Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 10-30-91,_____.

18-1.006 Appraisal Procedures, Report Requirements and Determining Maximum Amounts.

(1) The development and reporting of all appraisal services ~~Techniques and methods used by the fee appraiser shall be consistent with the Uniform Standards of Professional~~

~~Appraisal Practice. USPAP, Supplemental Standards, this chapter and the specific assignment. The Division shall prepare a report format substantially consistent with the Uniform Standards of Professional Appraisal Practice, that shall be used by the fee appraiser. The Supplemental Standards are hereby adopted by reference.~~

(2) The acquiring agency shall provide, or coordinate through the Division, to the fee appraiser all pertinent title information developed, a specification of the rights to be acquired, a list of items, if any, considered to be noncompensable, minimum appraisal requirements that apply, required appraisal forms or formats, and a certified survey or appraisal map.

(3) The appraisal report shall state any extraordinary assumption or hypothetical condition made by the appraiser in determining market value and shall document and adequately support the fee appraiser's estimate or conclusion as to value. ~~The report shall include a description of the location, size, shape, topography, access, highway or water frontage, and present zoning of the property. It shall include a description of utilities, if any, and a detailed description of any appurtenances. The report shall address other factors relevant to the development potential of the property including, but not limited to, local government land use restrictions and permit moratoria, environmental sensitivity of the property, and the likelihood of obtaining any pending or required local, state or federal permits. In determining land value, the fee appraiser shall primarily consider the present market value of the property. This market value, as much as practicable, should be based on comparable arm's length sales of similar property. If the fee appraiser uses comparable sales in determining land value, he shall thoroughly describe each such sale including the date of sale, a brief legal description, the present use, the highest and best use, the official record book and page where the transaction is recorded, the grantor and grantee, the purchase price, the terms and conditions of the sale, and when and with whom verified. The fee appraiser also shall consider the present use of the subject property, taking into consideration any local or state land use regulation and any moratorium imposed by executive order, law, ordinance, regulation, resolution, or proclamation adopted by any governmental body or agency or the Governor when the moratorium prohibits or restricts the development or improvement of property as otherwise authorized by applicable law. The report also shall address the highest and best use to which the property can be expected to be put in the immediate future. The term "immediate future" as used in this section means a period of time not to exceed 5 years. In addition, the report also shall consider the cost of the property and the present depreciated reproduction/replacement costs of any improvements thereon, the condition of the property, and any income from the property.~~

~~(4) In accordance with Section 253.025(6)(f), F.S., the appraisal report shall be accompanied by a sales history of the parcel for at least the prior five years. Such sales history shall list the parties to each transaction involving the subject parcel as well as the consideration paid with the amount of consideration verified, if possible. The report also shall show the tax assessed value for the previous five years. This requirement shall be waived under the following conditions: If the sales history required by Section 253.025(6)(f), F.S., would not be useful, or the cost would be prohibitive compared to the value of the parcel, such as cases wherein 15 or more parcels are appraised in one appraisal report. This waiver provision does not impact or reduce the sales history requirements for appraisal services under the USPAP.~~

~~(a) through (b) No change.~~

~~(5) When two appraisals are required under Section 253.025(6)(a), F.S. or 259.041(7)(b), F.S., a third appraisal shall be obtained if the two appraisals differ significantly. Two appraisals shall be considered to differ significantly if the higher of the two values exceeds 120% of the lower value. However, a third appraisal shall not be obtained if the decision is made by the Director to attempt to negotiate an acquisition price of no more than 120% of the lower of the two appraisals.~~

~~(6) No change.~~

~~(7) All appraisals, as well as offers and counter offers shall be confidential, and exempt from the provisions of Chapter 119, F.S., except that:~~

~~(a) The Division and a water management district created under Chapter 373, F.S., may disclose and share appraisal reports or appraisal information pursuant to Section 373.139, F.S. The Division or District desiring to review an appraisal must make a written request and give a written receipt for such appraisal. The confidentiality of shared appraisals or appraisal information shall be maintained in accordance with Sections 253.025(6) and (7), F.S., Section 373.139(3), F.S., Section 259.041(7)(e), F.S., and this chapter rule, and procedures established by the Division, to ensure confidentiality.~~

~~(b) No change.~~

~~(8) through (9) No change.~~

~~Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 373.139, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, 1-2-91, 10-30-91, _____.~~

~~(Substantial rewording of Rule 18-1.007 follows. See Florida Administrative Code for present text.)~~

~~18-1.007 Appraiser Eligibility and Selection.~~

~~(1) Approved Appraiser List – Eligibility and Selection.~~

~~(a) The Chief Appraiser shall annually send an announcement to each approved appraisal organization and to the Florida Real Estate Appraisal Board (FREAB) for publication in their respective newsletters, inviting interested appraisers to apply for placement on the approved appraiser list.~~

1. An appraiser shall be considered eligible and will be placed on the list when he has complied with all the following criteria:

a. The appraiser has applied to the Bureau of Appraisal to be placed on the list of approved appraisers.

b. The appraiser meets the eligibility requirements of Section 253.025 or 259.041, F.S. and this chapter.

c. The appraiser is a state certified appraiser.

d. The appraiser demonstrates a level of general appraisal competence through past appraisal experience. An acceptable level of general appraisal competence and quality shall be demonstrated by the submission of an appraisal report prepared for a business client within the previous two years that substantially complies with the USPAP.

e. The appraiser identifies any specialty property types, as outlined in the Supplemental Standards, for which he professes appraisal expertise and competence in accordance with the USPAP.

2. The Chief Appraiser will request that the appraiser submit annual reaffirmation of interest in and update his documentation in order to remain on the list of approved appraisers.

3. Removal of the appraiser's name from the list of approved appraisers shall be made at the appraiser's request, by failure to submit annual reaffirmation of interest or updated documentation after notice, for unsatisfactory performance, for disciplinary action given by the FREAB or for material non-compliance with contract terms. If an appraiser's name is removed from the list pursuant to this rule, he must comply with the requirements of this rule to be placed back on the list of approved appraisers and if disciplined by the FREAB, supply evidence that he has fulfilled all requirements of the disciplinary action.

(2) Multiple Year Appraiser Contracts Eligibility and Selection. For cost and time efficiency regarding future appraisal services, appraisers will be selected and placed under multi-year contracts. Selection procedures shall be as follows:

(a) Only appraisers whose name appears on the list of approved appraisers will be invited to submit proposals to perform appraisal services under a multiple year contract arrangement.

(b) Invitations to submit proposals for multiple year contracts shall be issued by the Division of State Lands, Bureau of Appraisal, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 110, Tallahassee, Florida 32399-3000. The Bureau of Appraisal shall be the sole point of contact.

(c) When the Bureau of Appraisal has received proposals and after the invitation closing date, the appraisers' proposals will be evaluated for the purpose of awarding future multi-year contracts according to the following criteria listed in order of importance and scored based on a point system maintained by the Bureau of Appraisal:

1. Quality of previous work, if any, performed as a result of appraisal assignments through the Division. This includes evaluating appraisals on the basis of documentation and reasoning; accuracy and clarity of the report; methodology, techniques and support; responsiveness to review questions; the appraiser's understanding of the nature and scope of the appraisal assignment. The maximum points for this quality of previous work category is 25.

2. Attainment of professional appraisal designations awarded by approved appraisal organizations. For a commercial designation 9 points are awarded and for a residential designation 4 points are awarded, for a possible total of 13 points.

3. Professional appraisal-related education or teaching experience. For each appraisal course or seminar credit hour attended or taught during the prior two years, one-tenth point is awarded up to a maximum of 12 points for 120 classroom hours.

4. Other pertinent factors and specialized requirements outlined in the request for proposal, such as the appraiser's quality assurance process and ability to prioritize Division assignments.

(d) Selection shall be made by an appraiser selection committee composed of the Director, the Chief Appraiser and the Chief of the Division's Bureau of Land Acquisition, or their designated representatives.

(e) The Chief Appraiser shall provide a summary and recommendation to the appraiser selection committee of the various proposals submitted.

(f) When selecting appraisers for multiple year contracts, the committee shall consider the various factors set forth in the request for proposal, the appraiser's submitted proposal and the standards and criteria of this rule.

(3) Specific Project Appraiser Bid Solicitation and Selection. When an agency proposing an acquisition has determined that appraisal services are required, the agency shall contact the Division's Bureau of Appraisal and request that such services be obtained. Through competitive bidding, multiple bids will be sought with the objective of obtaining the best possible services efficiently and at the most reasonable cost.

(a) Appraisers to be solicited for bids will be from those under multiple year contract or those on the approved appraiser list with competency in the area of specialization required by the proposed appraisal assignment. The solicitation will include selection criteria to be used in making the final selection of the appraiser to be awarded the appraisal services required.

(b) Appraisers will be required to comply with Section 259.041(7)(c) or 253.025(5)(b), F.S. and submit an affidavit substantiating that they have no vested or fiduciary interest in any property for which appraisal services will be awarded.

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

(5) Appraisal reviews are appraisal services that will be conducted for each assignment by qualified review appraisers in accordance with the USPAP competency requirements. Appraisal review reports shall be submitted to the Chief Appraiser or his designee for approval.

(a) In accordance with Section 259.041, F.S., conservation land acquisition appraisals, for parcels with values greater than \$500,000 an appraisal review will be developed and reported according to the requirements of Standard 3 of the USPAP, the Supplemental Standards, this chapter, and the specific requirements of the assignment. For parcels with values of \$500,000 or less, a cursory review by the Bureau of Appraisal will be conducted for assurance that requirements of the assignment were met. For every 20th appraisal for conservation land acquisition with a value of \$500,000 or less, a Standard 3 review, as described above, will be developed and reported for quality assurance purposes.

(b) In accordance with Section 253.025, F.S., non-conservation land acquisition appraisals, for parcels with values greater than \$250,000 an appraisal review will be developed and reported according to the requirements of Standard 3 of the USPAP, the Supplemental Standards, this chapter, and the specific requirements of the assignment. For parcels with values of \$250,000 or less, a cursory review by the Bureau of Appraisal will be conducted for assurance that requirements of the assignment were met.

(c) For all non-acquisition appraisal services such as for disposition, leases and easements, a review will be completed for assurance that the requirements of the assignment were met.

(6) Appraisers to be solicited for appraisal review assignments, as identified in paragraph (5)(a), above, will be from those on the approved appraiser list, under a multiple year contract and who possess competency for review work in accordance with the USPAP.

Specific Authority 253.03, 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 1-29-90, 10-30-91,_____.

18-1.008 Negotiations.

(1) The Division, or the acquiring agency if any, may initiate acquisition negotiations upon receipt of the approved required number of appraisal reports approved by the Chief Appraiser in accordance with subsection 253.025(6), F.S or 259.041(7), F.S. The Division may negotiate and enter into an option agreement for acquisition of conservation lands prior to or after the receipt and approval of appraisals, subject to the conditions established in Section paragraph 259.041(7)(f) 253.023(7)(b), F.S., and this chapter rule. All owner contact

shall be documented in the appropriate acquisition file of the Division or acquiring agency. Initial contact with the landowner by the Division or acquiring agency may be established prior to negotiations, provided that such contact is limited to the following:

(a) To inform the owner of the land acquisition program under which the project is being considered, and to request the owner's permission for the Division or the acquiring agency to inspect the property in order to determine its suitability for the purposes of the Division or the acquiring agency.

(b) No change.

(c) To explain in general terms ~~that the possible~~ tax advantages ~~for~~ of land donations and bargain sales ~~to the State may exist, and to recommend the owner confer with his tax adviser about the possibility of such advantages.~~

(d) To request written permission from the owner ~~in order~~ to have his property appraised ~~by State fee appraisers.~~

(e) through (j) No change.

(2) The objective of all purchase negotiations shall be to obtain the appropriate interest in land free of encumbrances, conditions, restrictions and reservations at the lowest possible price. In the course of negotiations the Division or the acquiring agency, ~~if any,~~ shall recommend that the owner confer with his tax adviser to discuss the advantages of a donation or and bargain sale. When negotiating the purchase of properties that include wetlands ~~where the seller will bear the cost of the survey,~~ the Division or the acquiring agency shall apprise the seller of the benefits of obtaining a ~~safe upland line survey that identifies a water line for acreage calculations,~~ as opposed to a mean high water or ordinary high water survey. In making an offer the Division or the acquiring agency shall consider the benefit to the owner of a single cash payment in relation to the maximum offer allowed by law. Under no circumstances will the final purchase price ~~for non-conservation lands~~ exceed the value established pursuant to ~~Section paragraph~~ 253.025(7)(e), F.S., and this chapter rule.

(3) Upon the initiation of negotiations the Division or the acquiring agency, ~~as applicable,~~ shall notify the landowner in writing that final purchase approval is subject to affirmative action by the Board. When the landowner is represented by an agent or broker, negotiations may not be initiated or continued with the agent until a written statement signed by the landowner verifying the agent's legal or fiduciary relationship with the owner has been received by the Division or the acquiring agency.

(4) All offers and counter-offers shall be in writing, and shall be confidential and exempt from the provisions of Section 119.07(1), F.S., under the conditions of ~~Sections paragraph~~ 119.0711(2), 253.025(7)(d), or 259.041(8)(c), F.S.

(5) Purchase negotiations for the acquisition of any land from the Florida Forever Trust Fund, the Conservation and Recreational Lands Trust Fund or Land Acquisition Trust Fund shall be initiated within six months of approval by the Division of appraisals of property on the lists developed pursuant to

259.035, F.S. The Quarterly Report of the Department of Environmental Protection to the Board will contain a report on the status of all said acquisition projects, ~~with a recommendation as to any project, or portion of a project, which should be abandoned in accordance with subsection 253.025(5), F.S.~~

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 4-6-89, 1-29-90, _____.

18-1.009 Purchase Instruments.

(1) The final negotiated purchase shall be placed in the form of a written purchase instrument; signed by the owner and, ~~if applicable, approved by the head of the agency, or by the designated representative of the acquiring agency.~~ Option agreements entered into prior to approval of the appraisals must be signed on behalf of the Board by the Secretary Executive Director or the Director. ~~Option agreements should be utilized, under the procedures set forth in this rule, when necessary to protect the interests of the State in purchasing property owned by more than one person, where it is not feasible or desirable to include all such owners on one purchase instrument.~~

(2) ~~When an~~ The acquiring agency is negotiating the acquisition and obtaining the owner's signature on a purchase instrument, the acquiring agency shall ~~may prepare and use a~~ any form of purchase instrument approved by the Director as meeting the intent of the law and this rule.

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

(4) No change.

Specific Authority 253.025(12), 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended _____.

18-1.010 Exchanges.

(1) No change.

(2) Prior to the closing of any exchange the real property to be conveyed by the Board Trustees must comply with all applicable legal requirements pertaining to surplus real property owned by the Board. Acquisition of the land to be conveyed to the Board must be in accordance with Section 253.025, F.S. or 259.041, F.S. and this chapter rule.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended _____.

18-1.011 Board Action.

(1) Within ten days after the execution by an owner of a ~~the~~ purchase instrument for an acquiring agency, the acquiring agency will furnish the following to the Division:

(c) Evidence of the marketability of the title. The Division may agree to defer submittal and approval of the ~~title opinion or title commitment policy~~ until after Board approval of the purchase instrument. In such case the acquiring agency shall

provide the Division with a copy of the owner's deed to the property. Division must approve the opinion or policy prior to closing.

(a) through (b) No change.

(d) No change.

(e) A letter from the acquiring agency stating that the inventory of existing State-owned lands was examined and contains no suitable available land for the agency's use, or that the property proposed for purchase is within a project on the council or other land acquisition program CARL, SOC or LATF lists.

(f) A written statement by the acquiring agency outlining the public purpose for which the acquisition is being made, citing statutory authority, or stating that the property proposed for purchase is within a project on the council or other land acquisition program CARL, SOC or LATF lists.

(g) through (i) No change.

(j) ~~All the details pertinent to the acquisition not included in this list or in the purchase instrument.~~

(2) No change.

(3) The Division shall submit the proposed acquiring agency acquisition for consideration by to the Board ~~in time for the Board to approve or reject it~~ within 45 days after its receipt from the acquiring agency by the Division of the materials required by paragraphs (1) and (2), above. The Division shall supply a copy of the proposed purchase instrument and all supporting documentation to the Board for its review.

(4) The Board must authorize ~~all acquisitions of land, title to which will vest in the Board,~~ prior to purchase, and pursuant to the provisions of Chapters 253 and 259, Florida Statutes, all acquisitions of land title to which will vest in the Board whether or not the acquisition is on behalf of an acquiring agency. ~~The Board may approve, approve with modification, or reject a proposed acquisition. The Board may reconsider a rejected proposal for acquisition at any time.~~

(5) The Division and the Board may consider an appraisal acquired by the Seller, or any part thereof, in negotiating or approving any purchase, but such appraisal may not be used in lieu of an appraisal required by subsection 253.025(6)(7), F.S. or 259.041(7), F.S., to determine the maximum offer allowed by law except as otherwise provided by law this rule.

(6) No change.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended 1-29-90, 10-30-91, _____.

18-1.012 Closing.

(1) No change.

(2) The Division or the acquiring agency, if any, shall obtain all disclosures of beneficial interest required in Section 286.23 F.S., before submitting entering into a purchase instrument to the Board for approval. All other disclosures, including those required by subsections 375.031(1) and

380.08(2), F.S., shall be obtained ~~no later than 10 days~~ prior to closing. ~~Appropriate disclosures shall be filed with the Department of State as required by law.~~ Disclosures not required by statute may be waived by the Director in the case of acquisitions of property for a price of \$250,000 or less where the Director finds that the difficulty on the person providing such disclosures outweighs the value of the disclosed information to the Department or the acquiring agency. The following information shall also be included in the statement supplied by the owner ~~no later than 10 days~~ prior to closing:

(a) through (c) No change.

(3) The Division acquiring agency shall be responsible for proper completion of the closing; and proper recordation of all legal documents necessary to vest title in the Board and payment of required fees.

(4) All original documents including recorded documents shall be forwarded to the Division within 30 days after receipt by the closing agent acquiring agency from the county clerk ~~or closing agent.~~ All such documents shall be accompanied by a written signed statement from the acquiring agency indicating that all documents have been approved as to form and legality by the attorney for the acquiring agency.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History—New 6-16-86, Amended _____.

18-1.013 Donations.

(1) The Board may accept donations of land under the following conditions:

(a) No change.

(b) Evidence of marketable title must be supplied either by the landowner, the Division, or the acquiring receiving or managing agency. ~~The Board may waive the requirement of evidence of marketability for acquisitions of property assessed by the county property appraiser at \$10,000 or less, where the Division of State Lands finds, based upon such review of the title records as is reasonable under the circumstances, that there is no apparent impediment to marketability, or to management of the property by the state. The Board may accept a dedication, gift, grant, or bequest of lands and appurtenances without formal evidence of marketability if, upon recommendation by the Division, the Board determines that such lands and appurtenances have value and are reasonably manageable by the state, and that their acceptance is in the public interest.~~

(c) The Division Bureau of Survey and Mapping must verify that the State of Florida has no title or sovereignty interest in the land.

(d) No change.

(e) An acceptable survey must be submitted to and approved by the Division in accordance with this chapter rule. The acquiring receiving or managing management agency of the donated land may provide a current certified survey, in the

event such survey is not provided from another source. The survey requirement shall ~~may~~ be waived by the Board; if the Board determines that the donated lands are in their natural unimproved condition and no improvements are contemplated, if the donated lands are completely surrounded by State-owned lands, if a survey cannot practically be completed, or where the cost of the survey would be prohibitive relative to the expected value of the parcel.

(2) through (3) No change.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History--New 6-16-86, Amended 4-6-89, 1-29-90, _____.

18-1.014 Multi-Party Acquisitions.

(1) The Division may enter into an acquisition agreement with a water management district, a local government or a nonprofit ~~an~~ organization as defined in Section 253.025(6)(d) or 259.041(7)(e), F.S., for any property that ~~which~~ has been authorized for acquisition pursuant to Section 253.025 or 259.041, F.S.

(2) No change.

(3) An acquisition agreement may provide for the sharing of appraisals, offers, and other negotiation matters, between the Division and cooperating agency; provided, however the agreement shall require the cooperating agency to follow Division procedures and this chapter when acquiring appraisals and to deliver to the Division all negotiation files after negotiations with the owner have terminated. ~~However as~~ a condition of the sharing of ~~such~~ confidential information, the cooperating agency must agree to maintain on its behalf and on behalf of its employees and agents, the confidentiality of appraisals, offers, and other negotiation matters, as required by Section 253.025 or 259.041, F.S., whichever is applicable, and this chapter rule, and the cooperating agency must ~~identify the individuals within the cooperating agency who will have access to confidential information,~~ and obtain the consent of the Division prior to disclosing the information to any other person.

Specific Authority 253.025, 259.041 FS. Law Implemented 253.025, 259.041 FS. History--New 1-29-90, Amended 1-2-91, 10-30-91, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kerry Drakes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2007 and May 4, 2007

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-2.017	Definitions
18-2.018	Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
18-2.020	Payments and Consideration

PURPOSE AND EFFECT: The purpose of the amendments is to respond to recent changes in statute and changes in Board of Trustees policy and delegations of authority; to implement recommendations the Auditor General's Office made in a June 2005 operational audit; and to improve consistency, adequacy, and clarity regarding the disposition and management of state land, especially in the area of appraisals.

SUMMARY: The amendments: add or amend appraisal-related and other definitions; conform appraisal-related terms; add appraiser selection criteria and procedures; replace competitive bidding with appraisals for pricing upland leases; provide consistency in use of appraisals with Chapter 18-1; delete provisions that require submittal of appraisals with bids; and remove the necessity for a full legal description when noticing surplus state land sales.

THIS RULEMAKING IS SEPARATE AND DIFFERENT FROM THE RULEMAKING ADVERTISED IN THE JUNE 1, 2007, ISSUE OF FAW FOR THIS RULE.

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

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

SPECIFIC AUTHORITY: 253.03(7), 253.034(6) FS.

LAW IMPLEMENTED: 253.03, 253.034, 253.0341, 253.111, 253.115, 253.42, 253.421, 253.47-.60 FS.

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

DATE AND TIME: August 21, 2007, 10:00 a.m. EDT

PLACE: Conference Room A, Marjory Stoneman Douglas Building, D.E.P. 3900 Commonwealth 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: Kerry Drakes, below. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Drakes, DEP, Division of State Lands, Bureau of Appraisal, MS 110, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000, (850)245-2658, Kerry Drakes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

18-2.017 Definitions.

When used in this rule chapter, the following shall have the indicated meaning unless the context clearly indicates otherwise:

(1) "Activity" means any use of uplands which requires Trustees' approval under Sections 253.03(1) and 253.77, F.S., such as a letter of authorization for consent of use, lease, management and use agreements, easement, disposal, exchange, or transfer of any interest, including sub-surface, in uplands.

(2) "Agency" means any governmental entity including the United States of America an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or another unit or entity of government.

(3) No change.

(4) "Appraisal" means ~~a formal narrative statement or report setting forth and documenting an opinion of value of real property as of a specific date.~~

(4) "Appraisal services" has the same meaning as provided in Rule 18-1.002, F.A.C.

(5) "Approved appraisal" has the same meaning as provided in Rule 18-1.002, F.A.C.

(5) through (31) renumbered (6) through (32) No change.

~~(33)(32)~~ "Letter of authorization Consent" means a nonpossessory form of authorization that allows the applicant the right to erect specific structures or conduct specific activities on uplands.

(33) through (34) renumbered as (34) through (35) No change.

~~(36)(35)~~ "Market ~~y~~Value" has the same meaning as provided in Rule 18-1.002, F.A.C ~~means the most probable price for which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming that neither is under undue duress.~~

(36) through (60) renumbered (37 through (61) No change.

(62) "Supplemental Standards" has the same meaning as provided in Rule 18-1.002, F.A.C.

(61) through (64) renumbered (63) through (66) No change.

(67) USPAP has the same meaning as provided in Rule 18-1.002, F.A.C.

~~(68)(65)~~ No change.

Specific Authority 253.03 FS. Law Implemented 253.03, 253.034, 259.035 FS. History–New 6-4-96, Amended _____.

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

(1) No change.

(2) General Policies.

(a) through (i) No change.

(j) The successful bidder shall pay all costs of legal advertisement, ~~appraisal~~, title work, taxes or assessments for any activity requiring such items.

(k) Appraisal services shall be obtained through the Division in accordance with the procedures and requirements provided in Chapter 18-1, F.A.C., except as follows:

1. For single family or platted lots, any state-certified appraiser can be solicited and used for appraisal services.

2. The appraisal service fee shall be paid by the applicant and is non-refundable. No appraisal work will proceed until the Division receives the appraisal fee. When appraisal services are required prior to an applicant being identified, funding will be provided by the requesting agency or the Division and shall be reimbursed to that agency or the Division by the purchaser, lessee or sublessee. Appraisals shall be utilized to establish market value and said appraisals shall be reviewed and accepted by the division as being a reasonable approximation of market value.

(l) through (p) No change.

(3) Standards and Criteria.

(a) No change.

(b) Disposal of Trustees-owned Uplands.

1. Examples of conditions under which the Trustees may convey an upland parcel include:

a. The parcel was vested in the state pursuant to Chapter 18296, Laws of Florida, 1937 (Murphy Act), and is 10 5 acres or less in size and has a market value of \$250,000 ~~\$100,000~~ or less; or

b. through c. No change.

2. No change.

3. Conveyance of property pursuant to this section shall be in accordance with the following requirements:

a. No change.

b. The cost of title insurance, documentary stamp tax, recording fees, any property taxes due, abstract, title certificate, survey, ~~appraisal~~, legal advertisement and purchaser's legal fees shall be the responsibility of the purchaser.

c. through d. No change.

4. through 6. No change.

(c) through (e) No change.

(f) Letters of authorization consent.

1. Letters of authorization consent are issued, ~~pursuant to Chapter 18-2, F.A.C.~~, upon receipt by the Division of a written request for an incidental, one-time use, and a determination by the Division that the requested activity which will result in no permanent alteration of Trustees-owned uplands, and will not adversely affect the management of the land.

2. Letters of authorization consent shall contain a condition that the grantee accept all liability associated with the proposed use and shall be countersigned by the grantee.

Specific Authority 253.03(7)(a) FS. Law Implemented 253.001, 253.02, 253.03, 253.04, 253.034, 253.111, 253.115, 253.42-44, 253.47, 253.51-.61, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History--New 6-4-96, Amended 4-17-02, _____.

18-2.020 Payments and Consideration.

(1) Leases.

(a) Consideration for private leases shall be based upon ~~an~~ appraisal services obtained as provided in Chapter 18-1, F.A.C., except for oil and gas leases, ~~and shall be competitively bid.~~

(b) through (e) No change.

(2) Disposal.

(a) For parcels with an estimated value in excess of \$100,000, the sale price consideration for the disposal of uplands shall take into consideration ~~be based upon an appraisal services as provided in Chapter 18-1, F.A.C.~~

(b) Disposal of surplus land shall be competitively bid except that parcels ~~5 acres or less in size or~~ with a market value of \$100,000 or less may be sold by any reasonable means, including open or exclusive listing with real estate sales services, competitive bid, auction, and negotiated direct sales. In no case shall a real estate brokerage fee or auction fee exceed 10% of the purchase price.

(c) No change.

(d) ~~The value of the private land for exchange purposes shall be no more than 100% of an appraisal of market value or average if two appraisals are used or the average of the two closest appraisals if more than two are used. A new appraisal shall not be required if the private parcel is already under a Trustees option or purchase contract. In such cases, the exchange price of such land shall be no more than the contracted purchase price.~~

~~(d)(e)~~ No change.

(3) through (5) No change.

(6) Letters of authorization consent.

(a) Appraisals and competitive bidding are not required for letters of authorization consent.

(b) Consideration for letters of authorization consent shall be negotiated based on the type of activity.

(7) Competitive Bidding Procedures.

(a) When competitive bidding is required, notice to bidders shall be given by publication in a newspaper published in the county in which the lands are located not less than once a week for three consecutive weeks. The notice shall provide the following:

1. ~~A complete legal description and~~ Location of the parcel by Section, Township and Range, or by tax identification number;

2. through 3. No change.

~~4. Any restrictions as to the use of the lands;~~

5. through 10. renumbered 4. through 9. No change.

(b) No change.

(c) Upon request, applicants will be sent a bid specification packet which shall include the following information:

1. Materials, instructions and deadline for submitting bids ~~and;~~

2. A copy of the proposed lease or sales contract, ~~and~~

~~3. A statement of the appraised value.~~

(d) No change.

(e) Deposits for unsuccessful or rejected bids shall be returned within ~~10~~ 5 working days after the awarding of the bid by the Trustees.

(8) No change.

Specific Authority 253.03 FS. Law Implemented 253.03, 253.034, 253.42, 253.51-.54, 253.571, 270.11 FS. History--New 6-4-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Drakes, above

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust fund of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2007

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.010	Applications for Private Easement
18-21.011	Payments and Fees
18-21.013	Applications to Purchase Filled Lands Adjacent to Riparian to Uplands

PURPOSE AND EFFECT: The rule amendments clarify and implement statutes and policies adopted by the Board of Trustees for sovereignty submerged land management,

including those for appraisals. The amendments implement recommendations of the Auditor General’s Office in a June 2005 operational audit of the Department. The amendments also address when requests to modify sovereignty submerged lands authorizations are so significant that such requests trigger a new application.

SUMMARY: The rule amendments: clarify appraisal-related terms by adding or amending definitions; clarify the cost of private easements; provide less costly alternate methods of valuation of private easements for single-family residential property owners; incorporate appraisal standards and procedures; conform the rule related to applications to purchase filled lands to statute; and make minor changes to correct errors, update and clarify existing rules. The amendments add a section providing criteria for assessing when modifications to existing sovereignty submerged lands authorizations are of such magnitude that they will be considered new applications under the rule.

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

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

SPECIFIC AUTHORITY: 253.03(7), 253.03(11) FS.

LAW IMPLEMENTED: 253.03, 253.77 FS.

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

DATE AND TIME: August 21, 2007, 10:00 a.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, D.E.P., 3900 Commonwealth 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: Vicki Thompson, below. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki Thompson, DEP, Division of State Lands, MS 130, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850)245-2720, Vicki.Thompson@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (3) No change.

(4) “Appraisal services” has the same meaning as provided in Rule 18-1.002, F.A.C.

(5) “Approved appraisal” has the same meaning as provided in Rule 18-1.002, F.A.C.

(4) through (66) renumbered (6) through (68) No change.

Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.68, 253.77 FS. History–New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, 2-25-85, Formerly 16Q-21.03, 16Q-21.003, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 3-20-94, 10-15-98, 8-1-01, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 1-1-06,_____.

18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereignty submerged lands.

(1) General Proprietary.

(a) through (e) No change.

(f) Appraisal services, when required, shall be obtained through the Division’s Bureau of Appraisal in accordance with Chapter 18-1, F.A.C., except as follows:

1. The applicant shall pay the fee for appraisal services, which is non-refundable. No appraisal services shall proceed until the appraisal services fee has been received by the Division.

2. All appraisal services must be reviewed through the Division and approved by the Division.

(f) through (j) renumbered (g) through (k) No change.

(l) Requests for revisions to existing leases or easements that are reasonably expected to lead to increased environmental impact, an increase in preempted area of ten percent or more, a significant change in use (such as one that requires use of a different form of authorization or application of different rule criteria), or heightened public concern will be treated as new applications under this chapter.

(2) through (8) No change.

Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History–New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05,_____.

18-21.010 Applications for Private Easement.

(1) Applications for easements across sovereignty submerged lands for private purposes shall include the following:

(a) through (i) No change.

(j) If dredging is proposed, an estimate of the number of cubic yards of sovereignty material to be removed showing how the amount was calculated; and

(k) If the application is for an easement of right-of-way for private access from a public road to lands of the applicant, proof of approval from the agency having jurisdiction over the public road; and,

~~(4) Calculation of the value of the easement pursuant to subsection 18-21.011(2), F.A.C.~~

(2) through (5) No change.

Specific Authority 253.03(7) FS. Law Implemented 253.03(11), 253.115, 253.12 FS. History—New 12-20-78, Formerly 16C-12.10, 16Q-17.10, Revised 3-27-82, Formerly 16Q-21.10, 16Q-21.010, Amended 12-11-01, 10-29-03, 3-8-04, 8-10-05, _____.

18-21.011 Payments and Fees.

(1) Standard and Extended Term Leases.

(a) No change.

(b) Base Fees, Discounts, Surcharges and Other Payments.

1. The base fee shall be computed at a rate of ~~\$0.1413~~ ~~\$0.1130~~ per square foot per annum, which became effective March 1, ~~2007~~ ~~1998~~. The base fee and the minimum annual fee shall be revised March 1 of each year and increased or decreased based on the average change in the Consumer Price Index. The average change in the Consumer Price Index is calculated annually by averaging the Consumer Price Index over the previous five-year period. There shall be a 10 percent cap on any annual increase.

2. through 3. No change.

4. There shall be a minimum annual fee of ~~\$423.89~~ ~~\$339.00~~, effective ~~March 1, 2007~~ ~~October 11, 1998~~. The minimum annual fee shall be adjusted annually based on subparagraph 18-21.011(1)(b)1., F.A.C.

5. through 6. No change.

7. A waiver from payment of annual lease fees for government, research, education or charitable entities that are either not-for-profit or non-profit shall be granted if the following conditions are met:

a. No change.

b. The activity or use of sovereignty submerged lands is consistent with the public purposes of the applicant organization and is not an adjunct to a commercial endeavor.

8. A waiver from payment of annual lease fees ~~shall be granted~~ for a private residential multi-family dock or pier constructed in lieu of multiple private residential single-family docks or piers ~~in accordance with paragraph 18-21.004(4)(c), F.A.C. on existing individual, single family riparian parcels shall be granted if the following conditions met:~~

~~a. Private residential single family docks or piers could otherwise be authorized under Chapter 18-18 or 18-20, as applicable, and 18-21, F.A.C., on all the affected parcels;~~

~~b. Each of the affected parcels contains or is zoned or approved for no more than one detached single family residence;~~

~~e. A conservation easement in favor of the Board is placed on all the affected parcels to subordinate or waive any further riparian rights of ingress and egress for additional docks and piers; and~~

~~d. The Board determines that a waiver of payment of annual lease fees is not contrary to the public interest.~~

9. through 13. No change.

(c) One-time premium.

1. No change.

2. Paragraph 18-21.011(1)(c), F.A.C., shall apply to existing leases with the one-time premium lease condition and to new leases approved by the Board after September 6, 1987, ~~the effective date of this subsection~~, unless one or more of the subparagraph 18-21.011(1)(c)3., F.A.C., conditions are complied with.

3. Paragraph 18-21.011(1)(c), F.A.C., shall not apply to:

a. through f. No change.

g. Docking facilities built before September 6, 1987, ~~the effective date of paragraph 18-21.011(1)(c), F.A.C.~~, in which the developers of the facility no longer have any interest in the facility and where the facility has been assigned to a homeowners association or other association made up exclusively of the residents of the development; or

h. No change.

(d) No change.

(2) Private Easements.

(a) The fee for granting, modifying, or renewing a private easement containing 3,000 square feet or less, for a single-family riparian parcel, or for two adjacent single-family riparian parcels sharing a common easement, shall be calculated as 1/2 the minimum annual lease fee determined under paragraph 18-21.011(1)(b), F.A.C., multiplied by the term of the easement.

~~(b)(a) The fee for granting, modifying, or renewing all other private easements, except for telecommunication lines and associated conduits that are subject to the provisions of paragraph 18-21.004(2)(l), F.A.C., shall be determined by an approved appraisal obtained by the applicant. The appraiser must be selected from the division's approved list of appraisers and the appraisal must be reviewed and approved by the division.~~ In addition to standard appraisal services requirements and procedures, the following factors shall be considered in determining the easement fee:

1. The extent to which the easement is exclusionary; i.e., the degree to which the proposed easement precludes, in whole or in part, traditional or future public uses of the easement area or other submerged land; and

2. The enhanced property value or profit gained by the applicant if the proposed easement is approved. Enhancement will not be considered in the appraisal services for easement renewals that do not modify the size or use of the expired easement.

- (c)(b) No change.
- (3) through (5) No change.

Specific Authority 253.03(7), 253.03(11), 253.73 FS. Law Implemented 253.03, 253.71 FS. History—New 3-27-82, Amended 5-18-82, 8-1-83, 9-5-84, 10-20-85, Formerly 16Q-21.11, 16Q-21.011, Amended 1-25-87, 9-6-87, 3-15-90, 10-11-98, 10-15-98, 10-29-03, 3-8-04, 1-1-06, _____.

18-21.013 Applications to Purchase Filled Lands Adjacent to Riparian to Uplands.

(1) Applications to purchase state-owned submerged lands that have been filled and which are adjacent to lands riparian to uplands may be made by the riparian owners only. The Division shall board reserves the right to reject any and all such applications that do not comply with this rule. If an application satisfies all the criteria of this rule, the Division shall send the application to the Board for final determination regarding the sale of the filled lands. The following shall be included in each application:

- (a) through (j) No change.
- (k) ~~An appraisal of the current market value of the parcel sought made within 3 months after the date of application by an appraiser with designations acceptable to the department;~~

- (k)(4) No change.
- (2) No change.

(3) When state-owned submerged lands have been filled without authority after June 10~~4~~, 1957 (state-owned submerged lands filled prior to before June 11, 1957 are addressed in Rule 18-21.019, F.A.C.), except for lands filled before July 1, 1975 that satisfy all of the requirements of Section 253.12(9), F.S., the Board will consider the following options and choose the one that is most in the public interest., by law, may:

- (a) through (b) No change.
- (c) Sell the filled lands. The following sale prices shall be recommended by the ~~D~~department to the ~~B~~board:

~~1. One and one half times the present appraised value of the lands excluding building improvements if the unauthorized filling was done by the applicant's predecessor in title between June 11, 1957, and July 14, 1967.~~

~~1.2. Two times the present appraised value of the lands determined by an approved appraisal excluding building improvements if the unauthorized filling was done by the applicant's predecessor in title after June July 10~~4~~, 195~~6~~7.~~

~~2.3. Three times the present appraised value of the lands determined by an approved appraisal excluding building improvements if the unauthorized filling was done by the applicant after June 10~~4~~, 1957.~~

- (4) No change.

Specific Authority 253.03, 253.12, 370.021 FS. Law Implemented 253.115, 253.12 FS. History—New 9-26-77, Formerly 16C-12.04, 16Q-17.04, Revised 3-27-82, Formerly 16Q-21.13, 16Q-21.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Thompson, above

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund of the State of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2007 and May 25, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

RULE NO.: 59C-1.008
RULE TITLE: Application Procedures

PURPOSE AND EFFECT: The agency is proposing to update the rule that defines application procedures used in Rule 59C-1, F.A.C. due to calendar changes.

SUMMARY: The proposed rule is updated to reflect statutory changes to the batching cycle calendar currently defined in Rule 59C-1.008, F.A.C.

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

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

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.
LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039 FS.

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

DATE AND TIME: August 14, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, 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: Calvin J. Vice., Sr., PhD, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Calvin J. Vice., Sr., PhD, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Application Procedures.

(1)(a) through (f) No change.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

~~Hospital Beds and Facilities~~

~~1st Batching Cycle—2005~~

Summary Need Projections Published in F.A.W.	1-28-05
Letter of Intent Deadline	2-14-05
Application Deadline	3-16-05
Completeness Review Deadline	3-23-05
Application Omissions Deadline	4-20-05
Agency Initial Decision Deadline	6-17-05

~~Hospital Beds and Facilities~~

~~2nd Batching Cycle—2005~~

Summary Need Projections Published in F.A.W.	7-29-05
Letter of Intent Deadline	8-15-05
Application Deadline	9-14-05
Completeness Review Deadline	9-21-05
Application Omissions Deadline	10-19-05
Agency Initial Decision Deadline	12-16-05

~~Hospital Beds and Facilities~~

~~1st Batching Cycle—2006~~

Summary Need Projections Published in F.A.W.	1-27-06
Letter of Intent Deadline	2-13-06
Application Deadline	3-15-06
Completeness Review Deadline	3-22-06
Application Omissions Deadline	4-19-06
Agency Initial Decision Deadline	6-16-06

~~Hospital Beds and Facilities~~

~~2nd Batching Cycle—2006~~

Summary Need Projections Published in F.A.W.	7-28-06
Letter of Intent Deadline	8-14-06
Application Deadline	9-13-06
Completeness Review Deadline	9-20-06
Application Omissions Deadline	10-18-06
Agency Initial Decision Deadline	12-15-06

Hospital Beds and Facilities

1st Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	1-26-07
Letter of Intent Deadline	2-12-07
Application Deadline	3-14-07

Completeness Review Deadline	3-21-07
Application Omissions Deadline	4-18-07
Agency Initial Decision Deadline	6-15-07

Hospital Beds and Facilities

2nd Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	7-27-07
Letter of Intent Deadline	8-13-07
Application Deadline	9-12-07
Completeness Review Deadline	9-19-07
Application Omissions Deadline	10-17-07
Agency Initial Decision Deadline	12-14-07

Hospital Beds and Facilities

1st Batching Cycle – 2008

<u>Summary Need Projections Published in F.A.W.</u>	<u>1-25-08</u>
<u>Letter of Intent Deadline</u>	<u>2-11-08</u>
<u>Application Deadline</u>	<u>3-12-08</u>
<u>Completeness Review Deadline</u>	<u>3-19-08</u>
<u>Application Omissions Deadline</u>	<u>4-16-08</u>
<u>Agency Initial Decision Deadline</u>	<u>6-13-08</u>

Hospital Beds and Facilities

2nd Batching Cycle – 2008

<u>Summary Need Projections Published in F.A.W.</u>	<u>7-25-08</u>
<u>Letter of Intent Deadline</u>	<u>8-11-08</u>
<u>Application Deadline</u>	<u>9-10-08</u>
<u>Completeness Review Deadline</u>	<u>9-17-08</u>
<u>Application Omissions Deadline</u>	<u>10-15-08</u>
<u>Agency Initial Decision Deadline</u>	<u>12-12-08</u>

Hospital Beds and Facilities

1st Batching Cycle – 2009

<u>Summary Need Projections Published in F.A.W.</u>	<u>1-23-09</u>
<u>Letter of Intent Deadline</u>	<u>2-09-09</u>
<u>Application Deadline</u>	<u>3-11-09</u>
<u>Completeness Review Deadline</u>	<u>3-28-09</u>
<u>Application Omissions Deadline</u>	<u>4-15-09</u>
<u>Agency Initial Decision Deadline</u>	<u>6-12-09</u>

Hospital Beds and Facilities

2nd Batching Cycle – 2009

<u>Summary Need Projections Published in F.A.W.</u>	<u>7-24-09</u>
<u>Letter of Intent Deadline</u>	<u>8-10-09</u>
<u>Application Deadline</u>	<u>9-09-09</u>
<u>Completeness Review Deadline</u>	<u>9-16-09</u>
<u>Application Omissions Deadline</u>	<u>10-14-09</u>
<u>Agency Initial Decision Deadline</u>	<u>12-10-09</u>

Other Beds and Programs
1st Batching Cycle—2005

Summary Need Projections Published in F.A.W.	4-08-05
Letter of Intent Deadline	4-25-05
Application Deadline	5-25-05
Completeness Review Deadline	6-01-05
Applicant Omissions Deadline	6-29-05
Agency Initial Decision Deadline	8-26-05

Other Beds and Programs
2nd Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	10-05-07
Letter of Intent Deadline	10-22-07
Application Deadline	11-21-07
Completeness Review Deadline	11-28-07
Application Omissions Deadline	12-26-07
Agency Initial Decision Deadline	2-22-08

Other Beds and Programs
2nd Batching Cycle—2005

Summary Need Projections Published in F.A.W.	10-07-05
Letter of Intent Deadline	10-24-05
Application Deadline	11-23-05
Completeness Review Deadline	11-30-05
Applicant Omissions Deadline	12-28-05
Agency Initial Decision Deadline	2-24-06

Other Beds and Programs
1st Batching Cycle – 2008

Summary Need Projections Published in F.A.W.	4-04-08
Letter of Intent Deadline	4-21-08
Application Deadline	5-21-08
Completeness Review Deadline	5-28-08
Applicant Omissions Deadline	6-25-08
Agency Initial Decision Deadline	8-22-08

Other Beds and Programs
1st Batching Cycle—2006

Summary Need Projections Published in F.A.W.	4-07-06
Letter of Intent Deadline	4-24-06
Application Deadline	5-24-06
Completeness Review Deadline	5-31-06
Application Omissions Deadline	6-28-06
Agency Initial Decision Deadline	8-25-06

Other Beds and Programs
2nd Batching Cycle – 2008

Summary Need Projections Published in F.A.W.	10-03-08
Letter of Intent Deadline	10-20-08
Application Deadline	11-19-08
Completeness Review Deadline	11-26-08
Applicant Omissions Deadline	12-24-08
Agency Initial Decision Deadline	2-20-09

Other Beds and Programs
2nd Batching Cycle—2006

Summary Need Projections Published in F.A.W.	10-06-06
Letter of Intent Deadline	10-23-06
Application Deadline	11-22-06
Completeness Review Deadline	11-29-06
Application Omissions Deadline	12-27-06
Agency Initial Decision Deadline	2-23-07

Other Beds and Programs
1st Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	4-03-09
Letter of Intent Deadline	4-20-09
Application Deadline	5-20-09
Completeness Review Deadline	5-27-09
Application Omissions Deadline	6-24-09
Agency Initial Decision Deadline	8-21-09

Other Beds and Programs
1st Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	4-06-07
Letter of Intent Deadline	4-23-07
Application Deadline	5-23-07
Completeness Review Deadline	5-30-07
Application Omissions Deadline	6-27-07
Agency Initial Decision Deadline	8-24-07

Other Beds and Programs
2nd Batching Cycle – 2009

Summary Need Projections Published in F.A.W.	10-02-09
Letter of Intent Deadline	10-19-09
Application Deadline	11-18-09
Completeness Review Deadline	11-25-09
Application Omissions Deadline	12-23-09
Agency Initial Decision Deadline	2-19-10

(h) through (5) No change.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.034, 408.036(2), 408.037(2), 408.038, 408.039, 408.042 FS. History—New 1-31-91, Formerly 10-5.0085, Amended 10-18-95, 10-8-97, 12-12-00, 7-19-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Calvin J. Vice., Sr., PhD, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Certificate of Need Supervisor
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130
 RULE TITLE: Home Health Services
 PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007. The revised handbook includes updated policies and the procedures for precertification and prior authorization of home health visits by the Medicaid peer review organization. The effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007.

In the Notice of Rule Development, we dated the revised handbook August 2006. We changed this date to July 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007. The effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 DATE AND TIME: Monday, August 13, 2007, 2:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Kinser, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-1677, kinserk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.130 Home Health Services.
 (1) No change.
 (2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.
 (3) No change.
 (4) The following form that is included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook is incorporated by reference: Home Health Certification and Plan of Care, Form CMS-485 (C-3)(02-94)(Formerly HCFA-485), in Appendix B, one page.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03,_____

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen Kinser
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 2, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-5.001
 RULE TITLE: Obtaining Forms
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update the mailing address and add the web address for the Division of Alcoholic Beverages & Tobacco to more easily allow interested citizens to obtain forms from the division.
 SUMMARY: This rule updates the mailing address and adds the web address for the Division of Alcoholic Beverages & Tobacco.

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

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

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

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.001 Obtaining of Forms.

Any form which is authorized for use or which is required by the Division of Alcoholic Beverages and Tobacco (AB&T) may be obtained by request from the division field office serving the local area of interest, visiting AB&T's page of the Department of Business and Professional Regulation's web site at: <http://www.state.fl.us/dbpr/abt/contact/index.shtml>, or by writing to the division as follows:

Division of Alcoholic Beverages and Tobacco
1940 North Monroe Street 725 South Bronough
 Tallahassee, Florida 32399-1021

Specific Authority 561.11 FS. Law Implemented 561.08, 561.11 FS. History--New 2-16-89, Formerly 7A-5.00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Hougland, Ph.D., Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Wheeler, Acting Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-5.0105	Beverage Licenses, New Quota Issue
61A-5.747	Quota License Drawing Entry Form

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to make changes to the entry form and drawing process for new quota alcoholic beverage licenses in order to clarify and streamline the process.

SUMMARY: These proposed rules make changes to the entry form and drawing process for new quota alcoholic beverage licenses in order to clarify and streamline the process.

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

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

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

SPECIFIC AUTHORITY: 561.08, 561.11 FS.

LAW IMPLEMENTED: 120.57, 561.08, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-5.0105 Beverage Licenses, New Quota Issue.

The division will follow the below listed procedures when entry forms are accepted for inclusion in the drawing for the right to apply issuance ~~of~~ for new state liquor licenses authorized by Florida Law, when they become available by reason of an increase in the population of a county ~~or city~~, voting to permit the sale of intoxicating beverages when such sale had previously been prohibited, or by revocation of a license under Section 565.02(1)(a)-(f), F.S., or issued by Special Act prior to 1981:

(1) The ~~entry application~~ period for each quota alcoholic beverage drawing shall begin on the third Monday in August of each year issuance of quota alcoholic beverage licenses has been authorized, and last ~~45~~ 90 days. The division shall publish legal notices in ~~newspapers of general circulation within the counties in which licenses become available~~ and the Florida Administrative Weekly and on AB&T's page of the Department of Business and Professional Regulation's web site at: <http://www.state.fl.us/dbpr/abt/contact/index.shtml>. ~~In the event there is no newspaper of general circulation in the county~~

where a new liquor license is authorized, the alternative posting procedure, found in Section 49.11, F.S., shall be used. Each legal notice published will include the deadline for filing entry forms applications, the number of licenses available for issuance in each county ~~or city~~, and the location of the division's office where entry forms applications may be obtained ~~and filed~~.

(2) All persons seeking entry into each drawing to apply for a new license shall file DBPR form ABT ~~-60334000-033L~~, QUOTA LICENSE DRAWING ENTRY FORM, effective ~~1/98~~ and incorporated herein, together with the non-refundable filing fee stated on the form. The entry form shall be delivered to the division ~~or postmarked on or before the final date, set forth in the legal notice, and shall be date stamped by the division on the date the form is received.~~ Forms not complete, not signed, or not accompanied by the required non-refundable filing fee shall result in a deficiency letter be returned to the applicant's mailing address by regular mail. Corrected entry forms must be delivered to the division on or before fourteen (14) days from the date of the deficiency letter. The division will not grant any other extensions of time. Applicants shall not be granted extensions for filing entry forms applications except by petition showing good cause and no negligence by the applicant.

(3) A list of all entrants applicants selected may be obtained from any of the division's offices.

(4) The division shall notify those entrants applicants who are selected as a result of the double random selection drawing by certified mail. Such notification will be sent to the mailing address listed on the entry form or subsequently filed with the division. It shall be the entrant's applicant's responsibility to maintain a correct mailing address with the division.

(5) All entrants applicants selected for the opportunity to apply for licenses shall file a completed application, referenced in Rule 61A-5.010, F.A.C. Failure to file a completed application package within 45 days of the date of the selection notice, shall result in the denial of the application filed.

(6) When any application has been disapproved and all hearings and appeals, pursuant to Sections 120.57 and 561.19(5), F.S., have been completed, the division shall notify the next person in order of priority from the random drawing by certified mail of their opportunity to obtain an available license in accordance with the procedures for notifying the originally selected parties. The division shall follow such procedure until all available licenses have been awarded.

(7) Any person or persons who have been selected for licenses shall not be prohibited from having the license issued in the name of a corporation, or other legal entity, if 100% of the business is owned by the person or persons listed on the winning entry form for inclusion in the drawing.

(8) For the purposes of this section, "more than one applicant" shall mean that an entrant applicant may have a direct or indirect interest in only one application in each county

~~or city~~ for which a license is available, but may file separate entry forms for licenses in different counties ~~or cities~~ for an opportunity to obtain an available license.

(9) For the purposes of this section, "method of double random selection by public drawing" shall mean a computer program which determines the order of selection for the director as prescribed in Section 561.19(2)(a), F.S.

~~(10) Notwithstanding subsection (2) above, persons applying for the application period beginning April 1, 1998 through June 29, 1998, shall use Form ABT 4000-999L, Quota License Entry Form, effective 10/16/97 and incorporated herein.~~

Specific Authority 561.11 FS. Law Implemented 120.57, 561.14, 561.15, 561.17, 561.18, 561.19, 561.20 FS. History—New 1-20-97, Amended 1-8-98, _____.

61A-5.747 Quota License Drawing Entry Form Preliminary Application for a New Quota Alcoholic Beverage License.

(1) DBPR form ABT-603342-033, QUOTA LICENSE DRAWING ENTRY FORM PRELIMINARY APPLICATION FOR A NEW QUOTA ALCOHOLIC BEVERAGE LICENSE, incorporated herein by reference and effective ~~5-24-92~~, must be used by an entrant to gain entry into a quota license drawing.

(2) The information contained in the form must be affirmed sworn to and must be completed by all parties listed on the entry form or an authorized representative application.

(3) The division will only accept entry forms applications for filing which are complete. A complete entry form application includes the payment required to enter the drawing. Incomplete entry forms applications delivered to the division will result in a deficiency be returned with the application fee to the applicant with a letter advising the reason the entry form application is incomplete being returned. Entrants must deliver corrected entry forms to the division on or before fourteen (14) days from the date of the deficiency letter. The division will not grant any other extensions of time.

Specific Authority 561.08, 561.11 FS. Law Implemented 561.08; ~~561.11~~, 561.17, 561.19, 561.20 FS. History—New 3-6-90, Amended 6-28-90, 5-24-92, Formerly 7A-5.747, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Hougland, Ph.D., Division Director, Alcoholic Beverages and Tobacco

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Wheeler, Acting Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-82.001	Scope; Nature of Remedy; Forms
61B-82.002	Filing Petition for Mediation
61B-82.004	Assignment of Mediator; Billing
61B-82.005	Parties
61B-82.006	Disputes Eligible for Mediation; Relief Requested
61B-82.007	Subsequent Proceedings; Conclusion of Mediation Proceeding

PURPOSE AND EFFECT: Chapter 2007-173, Laws of Florida, replaces the Homeowners' Association mediation program operated by the Division of Florida Land Sales, Condominiums and Mobile Homes with private presuit mediation. This proposal repeals Chapter 61B-82, F.A.C., relating to the division's mediation program.

SUMMARY: Repeal of these rules pursuant to Chapter 2007-173, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2) FS.

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

DATE AND TIME: August 13, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-82.001 Scope; Nature of Remedy; Forms.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

61B-82.002 Filing Petition for Mediation.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

61B-82.004 Assignment of Mediator; Billing.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

61B-82.005 Parties.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

61B-82.006 Disputes Eligible for Mediation; Relief Requested.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

61B-82.007 Subsequent Proceedings; Conclusion of Mediation Proceeding.
Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New 2-3-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Catherine Bemby, Senior Attorney, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-83.001	Scope, Organization, Procedure, Forms
61B-83.002	Filing Application for Certification; Verification Requirements
61B-83.003	Qualifications of Mediator or Arbitrators Certification Applicants
61B-83.004	Certification and Training Programs

PURPOSE AND EFFECT: Chapter 2007-173, Laws of Florida, repeals the Division's certification and training program for arbitrators and mediators under chapter 720, Florida Statutes. Arbitrators and mediators are certified under

the rules of the Florida Supreme Court. This proposal repeals Chapter 61B-83, F.A.C., relating to the division’s certification and training program.

SUMMARY: Repeal of these rules pursuant to Chapter 2007-173, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2)(c) FS.

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

DATE AND TIME: August 13, 2007, 9:00 am.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-83.001 Scope, Organization, Procedure, Forms.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History–New 12-20-04, Repealed.

61B-83.002 Filing Application for Certification; Verification Requirements.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History–New 12-20-04, Repealed.

61B-83.003 Qualifications of Mediator or Arbitrators Certification Applicants.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History–New 12-20-04, Repealed.

61B-83.004 Certification and Training Programs.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History–New 12-20-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Catherine Bemby, Senior Attorney, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.029
RULE TITLE: Advance Fee Accounting and Reporting Procedures

PURPOSE AND EFFECT: This Commission proposed the rule repealed because Section 475.452, F.S., no longer exist.

SUMMARY: This rule is being repealed.

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

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

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.452(1), (2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

Specific Authority 475.05 FS. Law Implemented 475.452(1), (2), (3) FS. History–New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97, 1-18-00, 2-4-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 14, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Commission

RULE NO.: 61J2-20.042
RULE TITLE: Chairperson
PURPOSE AND EFFECT: The rule is being repealed in its entirety because the rule about quorum conflicts with Section 455.207, Florida Statutes.

SUMMARY: This rule is being repealed.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.05 FS.
LAW IMPLEMENTED: 120.53, 455.207 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-20.042 Chairperson.

Specific Authority 475.05 FS Law Implemented 120.53, 455.207 FS History—New 1-1-80, Formerly 21V-20.42, Amended 6-28-93, Formerly 21V-20.042, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 19, 2007

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 Hearing Aid Specialists

RULE NO.: 64B6-5.002
RULE TITLE: Continuing Education Programs

PURPOSE AND EFFECT: Amend to include requirement that continuing education programs approved by International Institute of Hearing Instrument Studies are to be contact hours. Amend to clarify the certain dually-licensed persons are only required to take one HIV/AIDS CE course. Amend to clarify that licensees who are licensed under certain other professions are only required to take one medical errors course.

SUMMARY: Proposal clarifies that certain CE programs are to be contact hours, clarifies that certain dually-licensed persons are only required to take one HIV/AIDS CE course, and adds that certain licensees are only required to take one medical errors CE course.

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

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

SPECIFIC AUTHORITY: 456.013(6)-(9), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 456.013(6)-(9), 484.047(4) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.002 Continuing Education Programs.

(1) Programs approved by the International Institute of Hearing Instrument Studies shall automatically be approved for continuing education credit, provided they are contact hours.

(2) through (7) No change.

(8) Effective for the biennium beginning in 2001, each Hearing Aid Specialist shall attend and certify attending two hours and may take up to four (4) hours per biennium of continuing education which includes the topics of Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome, and other communicable illness to protect both the recipient and dispenser; modes of transmission, infection control procedures, clinical management, and prevention of any communicable illness. Such continuing education shall be accepted by the Board toward the continuing education requirement prescribed in Rule 64B6-5.001, F.A.C. Up to four hours of continuing education relating to these topics shall be

accepted for the 1999-2001 biennium. Dually-licensed individuals, under Ch. 456, F.S., shall only be required to take one HIV/AIDS course to satisfy the continuing education requirements for this Board.

(9) Each Hearing Aid Specialist shall attend and certify attending a Board approved two hour continuing education course relating to the prevention of medical errors. Licensees who are licensed under other professions regulated by Ch. 456, F.S., shall only be required to take one medical errors course to satisfy the continuing education requirements for this Board. The 2-hour course shall count toward the total number of continuing education hours required for license renewal.

Specific Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, 11-18-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-5.007
RULE TITLE: Continuing Education for Expert Witnesses and Probable Cause Panel Members

PURPOSE AND EFFECT: The purpose of the amendment is to permit former board members who serve the Board and the public by participating on the probable cause panels to receive continuing education credit for that service.

SUMMARY: The rule language is amended to permit former board members who serve the Board and the public by participating on the probable cause panels to receive continuing education credit for that service.

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

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

SPECIFIC AUTHORITY: 464.006, 464.013(3) FS.
LAW IMPLEMENTED: 464.013(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-5.007 Continuing Education for Expert Witnesses and Probable Cause Panel Members ~~in Disciplinary Cases.~~

(1) Each licensed nurse who serves as a volunteer expert witness in providing written expert witness opinions citing references of current, prevailing practice and relevant standards of practice for cases being reviewed pursuant to Chapter 464, F.S., shall receive 2.5 hours of continuing education credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Agency, probable cause panel, or Board.

(2) Each former board member who serves on a probable cause panel at least twice in a biennium shall receive 8 hours of continuing education credit.

Specific Authority 464.006, 464.013(3) FS. Law Implemented 464.013(3) FS. History--New 9-28-93, Formerly 61F7-5.007, 59S-5.007, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-15.003
RULE TITLE: Standards for Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes to modify the number of continuing education hours regarding the technical practice of Opticianry and contact lens theory and practice, and to add language regarding classroom disruptions.

SUMMARY: Modification of the number of continuing education hours regarding the technical practice of Opticianry, contact lens theory practice and addition of language regarding classroom.

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

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

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6), (7), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-15.003 Standards for Continuing Professional Education.

(1) through (2) No change.

(3) Continuing professional education courses must contribute to the advancement, extension or enhancement of professional skills and knowledge in the practice of opticianry or the management of a practice. For biennial renewal, twenty hours of continuing education shall be required as follows:

(a) Eleven (11) ~~Thirteen (13)~~ hours must be directly related to the technical practice of opticianry. If the licensee is a Board Certified Optician, four (4) of those eleven (11) ~~thirteen (13)~~ hours shall consist of technical courses related to contact lens theory and practice;

(b) through (c) No change.

(d) Two (2) hours must relate to the prevention of medical errors. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety; and;

(e) No change.

(f) Four (4) ~~Two (2)~~ hours shall be electives consisting of courses in one (1) or more of the subjects of categories (a), (b), (c), or (e) above or subjects relating to management of a practice from a business perspective including sales and marketing, business and finance, personnel management, stress management, risk management, fire prevention or disaster planning, or for attending a board meeting as provided herein.

(4) Upon application, a continuing education program which meets the following minimum criteria shall be approved by the Board. The program provider must document and submit at least the following:

(a) through (c) No change.

(d) The name and a current detailed curriculum vitae of any instructor or lecturer reflecting competency, qualifications, education, and experience in the subject matter;

(e) through (f) No change.

(g) For courses involving classroom instruction, a copy of rules designed to minimize classroom distractions to which rules shall include those against disruptive behavior not conducive to learning talking, and the use of personal communication devices cordless telephones or audible pagers;

(h) through (i) No change.

(5) through (7) No change.

Specific Authority 456.013(7), 484.005, 484.008(3) FS. Law Implemented 456.013(6), (7), 484.008(3) FS. History—New 10-12-80, Formerly 21P-15.03, Amended 3-5-87, 8-10-87, 10-29-87, 1-6-88, 6-11-92, Formerly 21P-15.003, Amended 4-17-94, Formerly 61G13-15.003, Amended 3-14-95, Formerly 59U-15.003, Amended 4-20-99, 12-31-00, 10-29-02, 4-23-03, 4-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-18.001 Definitions

PURPOSE AND EFFECT: The Board proposes to repeal the rule in order to create another rule in its place.

SUMMARY: The rule will be repealed.

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

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

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-18.001 Definitions.

~~As used in these rules:~~

(1) "Non-surgical" means the non-invasive management of foot disorders relating to nails, corns and calluses. Non-invasive refers to techniques which do not penetrate the dermis.

(2) "Direct supervision" means supervision and control by a licensed podiatric physician who assumes legal liability for the services rendered by a Certified Podiatric Technician, which supervision requires the immediate physical presence of the licensed podiatric physician for consultation and direction of the actions taken by the Certified Podiatric Technician.

(3) "General supervision" means supervision and control by a licensed podiatric physician who assumes legal liability for the services rendered by a Certified Podiatric Technician. General supervision shall require the licensed podiatric physician who acts as a supervising podiatric physician to establish written protocols for the utilization of the services of a Certified Podiatric Technician. General supervision shall require the ready and easy availability or physical presence of the licensed podiatric physician for consultations and directions of the actions of the Certified Podiatric Technician. The term "ready and easy availability" may include the ability to communicate by way of telecommunication, provided the podiatric physician is otherwise readily physically accessible.

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History—New 12-13-88, Amended 5-22-89, Formerly 21T-18.001, 61F12-18.001, Amended 6-17-97, Formerly 59Z-18.001, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-18.003
RULE TITLE: Description of Responsibilities

PURPOSE AND EFFECT: The Board proposes to repeal the rule in order to create another rule in its place.

SUMMARY: The rule will be repealed.

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

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

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-18.003 Description of Responsibilities.

(1) ~~A Certified Podiatric Technician shall be allowed to perform the non-surgical treatment of corns, calluses and ingrown toenails under the supervision of a licensed podiatric physician as described in subsection 64B18-18.001(3), F.A.C., and as established by written protocols as provided in Rule 64B18-18.005, F.A.C.~~

~~(2) A Certified Podiatric Technician shall not be allowed to perform services on a patient who has any systemic condition in which even conservative foot care could prove hazardous. Such systemic conditions shall include, but not be limited to, peripheral vascular disease, diabetes, blood dyscrasias, peripheral neuropathies or any other condition which renders the lower extremities insensate.~~

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History—New 12-13-88, Amended 5-22-89, Formerly 21T-18.003, 61F12-18.003, Amended 6-17-97, Formerly 59Z-18.003, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-18.004
RULE TITLE: Podiatric Technicians Certified to Podiatrist

PURPOSE AND EFFECT: The Board proposes to repeal the rule in order to create another rule in its place.

SUMMARY: The rule will be repealed.

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

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

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-18.004 Podiatric Technicians Certified to Podiatrist.

~~A licensed podiatric physician shall be permitted to supervise one (1) or more Certified Podiatric Technicians, as determined by the Board upon application by the podiatric physician. Nothing in this chapter shall be construed to prevent a Podiatric Technician from entering into a supervisory relationship with multiple podiatric physician.~~

Specific Authority 461.005 FS. Law Implemented 461.018 FS. History—New 12-13-88, Amended 5-22-89, 3-15-92, Formerly 21T-18.004, 61F12-18.004, Amended 6-17-97, Formerly 59Z-18.004, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2007

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-18.005 RULE TITLE: Policies and Procedures

PURPOSE AND EFFECT: The Board proposes to repeal the rule in order to create another rule in its place.

SUMMARY: The rule will be repealed.

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

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

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.007, 461.018 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-18.005 Policies and Procedures.

~~(1) The Board determines that the concept of general and direct supervision requires any licensed podiatric physician utilizing Certified Podiatric Technicians to have a protocol containing written policies, procedures and guidelines approved by the Board or Committee of the Board as to sufficiency prior to the Board's certification of the Podiatric Technicians to the licensed podiatric physician. The written protocol shall address the following:~~

~~(a) The method of the preliminary examination and periodic reexamination of the patient;~~

~~(b) The procedures for diagnosis and treatment as appropriate;~~

~~(c) The opening and maintaining of files and medical records of the treatment on the patient;~~

~~(d) The number of positions and the utilization of the services of Podiatric Technicians;~~

~~(e) The specific description of the respective responsibilities of the licensed podiatric physician and Podiatric Technicians;~~

~~(f) The responsibility of substitute podiatric physicians and the method of substituting;~~

~~(g) The mechanism for disassociation between a licensed podiatric physician and Podiatric Technician;~~

~~(h) The review process of the protocol by the licensed podiatric physician and Podiatric Technician prior to the biennial license renewal of the podiatric physician;~~

~~(i) The mechanism for billing procedures; and~~

~~(j) Such other details as are necessary to address the individual nature of the practice of the licensed podiatric physician and the Podiatric Technician.~~

~~(2)(a) Protocols entered into between the licensed podiatric physician and Podiatric Technician shall be reviewed by the Board with each biennial license renewal of the licensed podiatric physician. Any changes in the protocol shall be brought to the attention of the Board for review and approval.~~

~~(b) The chairperson of the Protocol Committee has the authority to act on behalf of the Board for the purposes of Board action required by this rule. Having exercised that authority, the chairperson of the committee shall report to the Board at its next regularly scheduled meeting any actions taken by the chairperson since the last regularly scheduled meeting of the Board.~~

~~(3) Whenever any disassociation between a licensed podiatric physician and a Certified Podiatric Technician occurs, the licensed podiatric physician shall notify the Board and the Podiatric Technician in writing within ten (10) days of the disassociation by Certified Mail, Return Receipt requested.~~

Specific Authority 461.005 FS. Law Implemented 461.007, 461.018 FS. History—New 12-13-88, Amended 5-22-89, Formerly 21T-18.005, Amended 9-29-93, Formerly 61F12-18.005, Amended 6-17-97, Formerly 59Z-18.005, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 22, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-14.002	Definitions
64E-14.003	Construction Procedures, Variances
64E-14.004	Standards, Permits, Inspections, Violations, Complaints and Retaliation
64E-14.005	Application and Variance Fees
64E-14.006	Sites
64E-14.007	Buildings and Structures
64E-14.009	Garbage and Refuse Disposal
64E-14.0095	Pesticide Use, Storage and Disposal.
64E-14.010	Vermin Control
64E-14.013	Sewage and Liquid Waste Disposal
64E-14.015	Personal Hygiene Facilities
64E-14.016	Field Sanitation Facilities
64E-14.017	Food Service Facilities
64E-14.018	Sleeping Facilities, Beds and Bedding
64E-14.020	Citations, Fines
64E-14.021	Responsibility of Operator and Owners
64E-14.023	Enforcement
64E-14.024	Animal Health and Safety

PURPOSE AND EFFECT: The department proposes to amend the rules to conform them to changes to Sections 381.008, 381.0086, and 381.0087, Florida Statutes. The effect of the changes will be to eliminate conflicts between the rules and the underlying statutes, and to have a rule chapter that is more easily understood by the regulated industry and the general public.

SUMMARY: The proposed rule amendments will address definitions, inspections, forms, variances, personal hygiene facilities, food service facilities, beds and bedding, citations, animal health and safety and other matters to protect the health and safety of migrant and seasonal farm workers.

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

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

SPECIFIC AUTHORITY: 381.006, 381.0086 FS.

LAW IMPLEMENTED: 381.008, 381.0081, 381.0082, 381.0083, 381.0084, 381.0072, 381.0087, 381.00893 FS.

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

DATE AND TIME: August 17, 2007, 10:00 a.m.

PLACE: Room 225Q, 4052 Bald Cypress Way, 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 7 days before the workshop/meeting by contacting: Sharon Sautler, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399, (850)245-4277. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Sautler, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-14.002 Definitions.

As used in this chapter, the following meanings shall apply:

(1) through (5) No change.

(6) “Group toilets” – A room providing a suite of water closets or toilets and lavatories.

(7) ”Hand-labor operations” – Agricultural activities or agricultural operations performed by hand or with hand tools. Hand labor operations also include activities or operations performed in conjunction with hand labor in the field. Examples of “hand labor operations” are the hand-cultivation, hand-weeding, hand-planting and hand-harvesting of vegetables, nuts, fruits, seedlings, or other crops, including mushrooms, plant (nursery) farms, sod farms, and the hand packing of produce into containers, whether done on the ground, on a moving machine or in a temporary packing shed located in the field. “Hand-labor” does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses), or the operation of a machine, such as a picker or tractor.

(8) “Incident of employment” – Something that is contingent upon or related to being employed. For the purpose of this rule, this term shall also mean the same as condition of employment. Examples include housing provided by farm labor contractors or growers for the migrant and seasonal farmworkers they employ or any other farm labor contractors employ.

(9)(6) “Lighting” – At least one ceiling-type light fixture capable of providing 20 foot-candles of light at a point 30 inches from the floor, and at least one separate double electric wall outlet in each habitable room in a migrant labor camp or residential migrant housing.

(10)(7) “Major deficiency” – Non compliance of a standard or numerous violations of the standards of this chapter which solely or collectively cause an imminent threat to public health or cause a high risk of injury. Examples of major deficiencies are untreated sewage on the ground, unsafe or deteriorated housing, contaminated water supply, hole(s) in floor extending to the exterior, unsafe stairs and flooring posing a risk of persons falling, unsafe ceiling with risk of imminent collapse, ceiling or roof leaks, gas leaks, exposed or cross connection of electrical wires, boarded windows where the 10 percent window area requirement is not met, boarded doorways providing egress or ingress, such as a contaminated water supply, untreated sewage on the ground, deteriorated or unsafe housing.

(11)(8) “Migrant farmworker” – A person who is or has been employed in hand-labor operations in planting, cultivating, or harvesting agriculture crops within the last 12 months and who has changed residence for purposes of employment in agriculture within the last 12 months. The term hand-labor operations includes the production of a commodity which normally occurs in the fields of a farm or ranch as opposed to those activities which generally occur in a processing plant or packing shed. A worker engaged in the placing of commodities in a container in the field or on field loading of trucks and similar transports is included. An individual who is primarily employed operating a machine, such as a picker or tractor, is not covered.

(12)(9) “Migrant labor camp” – One or more buildings, ~~building~~ structures, barracks, or dormitories, and the land appertaining thereto, constructed, established, operated, or furnished as an incident of employment as living quarters for seasonal or migrant farmworkers whether or not rent is paid or reserved in connection with the use or occupancy of such premises. The term This does not include a single-family residence that is occupied by a single family.

(13)(10) “Personal hygiene facilities” – Facilities for providing hot water at a minimum of 110 degrees Fahrenheit for bathing and dishwashing purposes, and a supply of potable water available at all times in each migrant labor camp and residential migrant housing for drinking, culinary, bathing, dishwashing, and laundry purposes.

(14)(11) “Potable water” – Water which is satisfactory for drinking, food preparation, bathing, and meets drinking water standards of Rule 62-550, 62-555, 62-560, or 64E-8, F.A.C.

(15)(12) “Private living quarters” – A building or portion of a building, dormitory or barracks, including its bathroom facilities, or a similar type of sleeping and bathroom area, which is a home, residence, or a sleeping place for a resident of a migrant labor camp or residential migrant housing.

(16)(13) “Residential migrant housing” – A building, structure, mobile home, barracks, or dormitory, and any ~~or~~ combination thereof on adjacent property which is under the same ownership, management or control, and the land appertaining thereto, that is rented or reserved for occupancy by five or more seasonal or migrant farmworkers, except:

(a) No change.

(b) A single-family residence ~~which was built to house and is housing a single family~~ or mobile home dwelling unit that is occupied only by a single family and that is not under the same ownership, management, or control as other any farmworker housing to which it is adjacent or contiguous;

(c) through (d) No change.

(17)(14) “Seasonal farmworker” – A person who, within the last 12 months, is or has been employed where a minimum of 50 percent of their time in that position involves hand-labor operations of planting, cultivating, or harvesting of agricultural crops regardless of the duration of employment, and who has not changed residence for the purpose of employment in agriculture. This term includes seasonal workers employed in alternative positions not related to hand-labor operations once the harvesting season has ended. For example, the term seasonal worker includes persons employed operating a machine, such as a picker or tractor, during periods when the hand-labor operations have ended for the season.

(18)(15) “Sewage disposal” – Approved facilities for satisfactory treatment and disposal of human excreta and liquid waste.

(19)(16) “Single Family Residence” – A structure that is designed and built to house only one family rather than several unrelated persons (such as barracks) or multiple families (such as rooming houses).

(20)(17) “Structure” – For the purpose of this chapter, the term shall mean any building which offers protection from the elements for migrant and seasonal farmworkers and includes family residential units, multi-family units, barracks, and rooming houses.

(21)(18) “Substantially renovated” – Migrant farmworker housing which has been remodeled or enlarged to comply with current local building, plumbing, electrical, or fire safety codes and the water supply and sewage disposal sections of this chapter. This does not apply to cosmetic repairs or routine maintenance.

(22) “Vermin” – Any of various small animals or insects that are destructive, or injurious to health, such as cockroaches or rats.

(23) “Water closet – A room or booth containing a toilet and often a washbowl or basin.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.008 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.52, Amended 8-6-92, 11-17-94, Formerly 10D-25.052, Amended 4-25-99, 9-12-99,_____.

64E-14.003 Construction Procedures, Variances.

- (1) No change.
- (2) Variances.

(a) A person may apply for a permanent, structural variance from specific standard(s) by filing an a written application for such a variance with the Department of Health. The variance request shall be in writing, ~~shall state the particular standard(s) involved, and shall state as conditions of the variance the specific alternative measures which have been taken to protect the health and safety of the workers. The applicant must submit payment of \$100 with the request for variance. Checks made payable to the Department of Health shall be forwarded with the variance request and mailed to the Bureau of Facility Programs and it must:~~

- 1.(a) Clearly specify the standard(s) from which the variance is desired;±
- 2.(b) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility, and to prevent a practical difficulty or unnecessary hardship; and
- 3.(c) Clearly set forth the specific alternative measures that the owner or operator has taken to protect the health and safety of occupants workers and adequately show that such alternative measures have achieved the same result as the standard(s) from which the variance is sought.

(3) Each request for a variance shall be accompanied with a check for \$100, made payable to the Bureau of Community Environmental Health, and it shall be sent to the local County Health Department for the county in which the variance is requested.

(4) Within 30 days after receipt of the variance application, the department shall review the application and request from the applicant submission of all additional information necessary for the department to make a determination on the variance request. The department shall, in writing, grant or deny the variance respond within (90) 30 working days of receipt of the variance application, or within 90 days of receipt of all additional information necessary to complete the application when a request for additional information has been made by the department in accordance with this section either granting or denying the request in writing. Any denial of a variance shall include a statement of the right to request an administrative hearing within 21 days from the date the applicant receives the letter of denial. Failure

of the department to grant or deny the variance within 90 days, shall constitute harmless error, and shall not provide the basis for an argument that the variance was, in fact, granted.

(5) For the purpose of filing an interstate clearance order with the Agency for Workforce Innovation, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance is allowed.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0083, 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.53, Amended 8-6-92, 11-17-94,_____.

64E-14.004 Permit, Standards, Permits, Inspections, Violations, Complaints and Retaliation.

(1) Standards. Before any person establishes, operates, or allows occupancy of a migrant labor camp or residential migrant housing, the operator shall ensure make an application for, and receive from the department, a valid permit for operation of the farmworker housing that the camp or housing complies with the minimum standards of construction, sanitation, and equipment established in Sections 381.008 through 381.00897, Florida Statutes, and rules of this chapter, the Occupational Safety and Health (OSHA) Act of 1970, 29 U.S.C. s. 655, or the current Housing and Urban Development (HUD) Housing Quality Standards as referenced in its Master Handbook 4350-1. The Occupational Safety and Health Administration’s standards for Temporary Labor Camps in 29 U.S.C. s. 655, and the current Housing and Urban Development Housing Quality Standards in its Master Handbook 4350-1, are herein adopted and incorporated by reference. A copy of the OSHA Standards can be obtained at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9791 or U.S. Government Printing Office, 732 N Capital Street, Washington, DC, 20401. A copy of the HUD Housing Quality Standards can be obtained at the U. S. Department of Housing and Urban Development Office located at Brickell Plaza 909 SE 1st Ave., Room #500, Miami, Florida 33131 or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Any housing that is furnished as a condition of employment so as to subject it to the requirements of OSHA shall only be inspected under the OSHA standards. This applies to migrant labor camps as that term is defined in subsection 64E-14.002(12), F.A.C. The Housing and Urban Development standards are applicable only to housing authority projects funded to house migrant and seasonal farmworkers. Mobile Home Parks that have 5 or more seasonal or migrant farmworkers as occupants of the park will be issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit.

(2) Application for Permits.

(a) All applications for a permit to operate a migrant labor camp or residential migrant housing shall be filed with the department at least 30 days prior to the date of operation on DH Form 4082, Application For A Migrant Labor Camp

Permit, ~~Sept. 98 Jan. 99~~, incorporated herein by reference. DH Form 4082 is available at county health departments located in each county or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Completed applications required in this subsection shall be submitted to the county health department where the farmworker housing is located and shall be accompanied by the fee specified in Rule 64E-14.005, F.A.C.

~~(b) In the event of a change of ownership of a migrant labor camp or residential migrant housing, the new owner shall file DH Form 4082 with the department at least 15 days before the change of ownership occurs and pay the application fee amount designated in subsections Rule 64E-14.005(1)-(3), F.A.C. Form 4082 is available at county health departments located in each county. Completed applications shall be submitted to the county health department where the farmworker housing is located.~~

~~(3) Permit. Prior to the issuance of a permit, the department shall perform an initial inspection to determine whether If the department finds after inspection that the proposed migrant labor camp or residential migrant housing operation conforms to the minimum standards established in (1) of this rule, required by the rules, and the applicant has paid the application fee when required, The the department shall issue a permit for operation of the migrant labor camp or residential migrant housing upon all violations being successfully corrected after the initial inspection. The department will accept a recent (within three months) satisfactory federal sanitation inspection report, form HUD 9822, as a substitute for a pre-occupancy inspection of housing authority projects. A permit shall be required and must be obtained annually for each such migrant labor camp or residential migrant housing. Permits The permit, unless sooner revoked, shall expire on September 30 next after the date of issuance and shall not be transferable. A recent (within three months) satisfactory federal sanitation report shall be cause to issue an initial permit to a housing authority when the fee has been paid to the department.~~

~~(4) Inspections.~~

~~(a) Migrant labor camps and residential migrant housing occupied 6 weeks or more during a quarter shall be inspected at least twice quarterly during periods of occupancy. Migrant labor camps and residential migrant housing occupied less than 6 weeks during the quarter shall be inspected at least once during the quarter within that 6 week period. Proper documentation must be provided from the owner, operator or person in charge, clearly indicating the period of occupancy. Such documentation may include letters, memos, applications, or inspection forms, except~~

~~(b) HUD Housing Authorities, which shall only be inspected twice annually.~~

~~(c) Migrant farmworker occupied mobile homes in a mobile home park meeting the 5 or more seasonal or migrant farmworker requirement, will be inspected and required to meet the migrant program standards when issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit. Inspections shall be conducted using an inspection form DOH 4060. Department personnel shall conduct inspections at reasonable hours and in accordance with Section 381.0088, F.S.~~

~~(d) The department will accept a satisfactory federal sanitation inspection report; form HUD 9822, as a substitute for a pre-occupancy inspection of housing authority projects. Field sanitation facilities inspections as defined in Rule 64E-14.016, F.A.C., shall be made at random in the normal course of staff activities.~~

~~(5) Violations.~~

~~(a) When a major deficiency as defined in subsection 64E-14.0025(10), F.A.C. is reported to housing permittees or supervisors, a maximum of 48 hours shall be given to make satisfactory corrections or provisions for corrections that meet the requirements of this Chapter. The permittees or supervisors must submit proof (i.e., receipt, estimates or cost analysis sheet, etc.) to the department's staff at the time of the reinspection to show that the major deficiency has been corrected or is in the process of being corrected within the 48 hours timeframe allotted by this rule. The documents presented to the department's staff must come from companies or persons licensed to provide the required services (i.e., licensed septic tank contractors, licensed plumbers, contractors licensed in building trades and other professions). If the department grants the permittee a time extension to correct the violation, the permittee must provide documentation showing that provisions have been made to correct the major deficiency within 48 hours from the issuance of the extension issued by the county health department staff. The documentation must include a start and completion date by which the major deficiency will be corrected. The major violation must be corrected on or by the date indicated in the documentation, otherwise, the department will issue a citation with a fine are satisfactory to the county health department director or their designee. Three or more violations which constitute meet the criteria of major deficiencies deficiency as defined in subsection 64E-14.0025(10)(4), F.A.C., cited during an inspection shall be cause for the department to seek legal remedy in accordance with Rule 64E-14.023, F.A.C.~~

~~(b) Continual or repeat violations of the same inspection items related to migrant farmworker housing are cause for the issuance of a fining citation imposing a fine. Three or more violations which meet the criteria of major deficiency as defined in subsection 64E-14.005(4), F.A.C., during an inspection shall be cause for the department to seek legal~~

~~remedy in accordance with Section 64E-14.023, F.A.C. A continual or repeat violation is a violation that occurs 3 or more times during a permit year.~~

(6) Complaints. Any person may file a complaint when they believe that any occupied migrant labor camp or residential migrant housing is in violation of any housing standard contained herein. Such complaint may be made to a county health department or to the Bureau of Community Environmental Health Facility Programs. Upon receipt of the complaint, county health department staff shall ~~make an inspection of~~ the housing identified to determine if a violation does exist. Should the complaint allege a major deficiency at the migrant labor camp or residential migrant housing, the inspection shall be made as soon as practicable. All other complaints will result in a notification to the owner and operator advising them of the complaint and that the alleged violation must be remedied within 3 business days. The department shall conduct an inspection as soon as practicable following such three day period to confirm that the violations have been corrected. ~~When the alleged violations have been corrected, outcome of the complaint investigation meets the regulatory standards for health and sanitation,~~ the complainant and the owner and operator shall be notified in writing ~~of the outcome~~ within 15 working days of the outcome of the complaint and the closure of the complaint process. Upon request of the complainant, the department shall conduct the inspection so as to protect the confidentiality of the complainant.

(7) No change.

Specific Authority 381.006~~(5)~~, 381.0086, ~~381.00893~~ FS. Law Implemented 381.0081, 381.0082, 381.0083, 381.00893 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.54, Amended 8-6-92, 11-17-94, Formerly 10D-25.054, Amended 6-23-98, 9-12-99, _____.

64E-14.005 Application and Variances Fees.

The following application fees for migrant labor camp and residential migrant housing operations shall be assessed annually, with the exception of those facilities meeting the criteria in subsection (4) of this section:

(1) Camps or housing with facilities for 5 to 50 occupants: \$125.

(2) Camps or housing with facilities for 51 to 100 occupants: \$225.

(3) Camps or housing with facilities for 101 or more occupants: \$500.

(4) Migrant labor camps and residential migrant housing, which have been newly constructed and those which have been substantially renovated are exempt from the annual application fee required in this rule for the next annual permit after the renovation or construction occurred. The owner or operator of a mobile home/RV park as defined in Chapter 513, F.S., that is also regulated as migrant farmworker housing, shall only be required to pay a single park fee, unless there have been major

deficiencies or uncorrected deficiencies cited by the department, or administrative action taken within the past year regarding the requirements for migrant labor camps and residential migrant housing set forth in Chapter 381, F.S., in which case the applicant shall pay the fee required in Section 381.0084, F.S.

(5) through (6) No change.

Specific Authority 381.006~~(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.55, Amended 8-6-92, 11-17-94, Formerly 10D-25.055, Amended 6-23-98, 9-12-99, _____.

64E-14.006 Sites.

(1) All sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. Natural ~~sinkholes sink holes~~, swamps, and pools of water are not allowed within 200 feet of the periphery of the outermost building. A government created surface water diversion pool built within 200 feet of the outermost shelter after the origination of the housing shall not disqualify the housing from meeting this location standard.

(2) through (4) No change.

Specific Authority 381.006~~(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.57, Amended 8-6-92, 11-17-94, Formerly 10D-25.057, Amended _____.

64E-14.007 Buildings and Structures.

(1) No change.

(2) Buildings and structures in all migrant labor camps and residential migrant housing shall have the corresponding utility connections for equipment required by this rule during occupancy. The owner or operator responsible for the building or structure shall ensure that all required heating, cooking, and water heating equipment is provided. The owner or operator is responsible for ensuring that the equipment is installed in accordance with state and local ordinances, codes, and regulations governing such installations.

(3) ~~Every room All Private living quarters constructed, renovated, or used for sleeping purposes in private living quarters in migrant labor camps and residential migrant housing shall provide a minimum of 50 square feet of floor space for each occupant. In a room where workers cook, live, and sleep, a minimum of 100 square feet of floor space per person shall be provided.~~

(4) No change.

(5) Rooms used for sleeping purposes and common areas in All private living quarters and common areas shall have at least one window opening directly to the outside. The minimum total window area of a migrant labor camp or residential migrant housing shall equal ten per cent of the floor area of each room. In addition, aAt least one-half of each window shall be constructed so that it can be easily opened for ventilating the room except where department approved

mechanical ventilation is provided. In computing total window area and openable window area, jalousie doors may be counted.

(6) No change.

Specific Authority ~~381.006(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.58, Amended 8-6-92, 11-17-94, Formerly 10D-25.058, Amended _____.

64E-14.009 Garbage and Refuse Disposal.

(1) through (4) No change.

(4) Provisions shall be made for disposing of the garbage, kitchen wastes and other refuse in accordance with Chapter 62-7010, F.A.C. and ~~or applicable local codes,~~ as applicable.

Specific Authority ~~381.006(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.60, Amended 8-6-92, 11-17-94, Formerly 10D-25.060, Amended _____.

64E-14.0095 Pesticide Use, Storage and Disposal.

(1) All empty pesticide containers shall be securely placed in a plastic bag and properly disposed into a garbage receptacle or in accordance with EPA pesticide disposal guidelines found at: <http://www.epa.gov/pesticides/regulating/disposal.htm>, or disposed of according to the label on the product. Empty pesticide containers must not be used to store any other substance other than the original contents.

(2) All common household pesticides, such as roach spray, chlorine bleach, kitchen and bathroom disinfectants, rat poison, insect and wasp sprays, repellents, baits, flea and tick shampoos, dips for pets and any other pesticide products applied in the migrant housing unit must be used according to the distributor or manufacturer's label on the product. All pesticide containers shall contain their original product and the containers shall be properly labeled. Pesticide containers found with products other than the original contents shall be discarded immediately.

(3) Containers containing common household pesticides used within migrant and seasonal farmworker housing units must be properly stored in a safe place, such as in a closet or cabinet away from food and other consumable items. In housing units where children reside, the common household pesticides must be stored out of the reach of children in a locked cabinet or closet away from children. Toxic chemicals must be stored out of the reach of children and in a locked area if children are residing in the home.

(4) Farming tools shall not be stored in the migrant and seasonal farmworker housing units.

Specific Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History–New _____.

64E-14.010 ~~Vermin~~ Insect and Rodent Control.

Effective measures shall be taken to prevent infestation by and ~~harborage~~ harborage of vermin animal or insect vectors, or pests. All migrant and seasonal farmworker housing units shall be free of all vermin and maintained in a vermin free and vermin proof condition. All outside openings shall be effectively sealed or screened with a 16 mesh screen or equivalent in order to prevent entry of insects, rodents, or other vermin. If evidence shows that an infestation of vermin is found in the housing units, the owner or operator of the housing unit will be required to hire a licensed or certified exterminator to exterminate the vermin found in the housing unit. The owner or operator shall inform the migrant or seasonal farmworkers by posting a notice in the camp or housing unit to which it applies of any indoor application of pesticides prior to the application. When a licensed or certified exterminator applies pesticides in the home unit, the owner or operator shall obtain from the licensed or certified exterminator information about the potential risks and safety precautions that must be taken. The owner or operator shall share the information with the farmworkers and other household occupants. The owner or operator shall provide proof to the county health department official at the next inspection that the housing unit was exterminated by a certified exterminator, with a receipt for the extermination service rendered. Failure by the owner or operator to provide proof to the department that measures taken to control vermin in the housing unit are department approved, shall constitute a violation of this chapter.

Specific Authority ~~381.006(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.61, Amended 8-6-92, 11-17-94, Formerly 10D-25.061, Amended 11-4-04, _____.

64E-14.013 Sewage and Liquid Waste Disposal.

(1) No change.

(2) Such facilities shall be constructed and maintained in compliance with Chapter ~~64E-6~~ 40D-6 or Chapter 62-600, F.A.C.

Specific Authority ~~381.006(5)~~, 381.0086 FS. Law Implemented 381.0086 FS. History–New 1-1-77, Amended 10-7-84, Formerly 10D-25.64, Amended 8-6-92, Repromulgated 11-17-94, Formerly 10D-25.064, Amended _____.

64E-14.015 Personal Hygiene Facilities.

(1) Personal Hygiene Facilities Requirements for Migrant Labor Camps and Residential Migrant Housing Barracks and Dormitory Type of Facilities

Ratio Chart of Number of Facilities to Number of People

Constructed Prior	Constructed/Renovated (or facilities permitted for the first time)			
	September 1, 1992		After September 1, 1992	
Toilets	Male	Female	Male	Female
	1:15	1:20	1:12	1:8
			Up to 84	Up to 64
			Above 84	Above 64
			1:15	1:12
Urinals	1:25		1:20	
			Up to 160	
			Above 160	
			1:40	
Showers or Baths	1:20	1:20	1:15	1:15
Handwash	1:20	1:20	1:6	1:6
Drinking Fountain		None	1:50	
Laundry	1:25	Families	1:30	
			Farmworkers	

(Note: Drinking water fountain ratio pertains to dormitories and barracks only)

(2) No change.

(3) Where toilet rooms are shared, such as in multi-family housing units facilities and barracks facilities, toilet facilities shall be provided for each sex. These rooms shall be distinctly marked "Men" and "Women" by signs printed in English and in the native language of the persons occupying the camp. If the facilities for each sex are in the same building, they shall be separated by a solid wall or partition extending from the floor to the roof or ceiling. All group toilet rooms Toilet facilities in of migrant labor camps and residential migrant housing shall be constructed with privacy partitions between each water closet to block the occupants from view. All privacy partitions for toilets shall have doors. All toilet facilities shall be equipped with a self closing entrance door and maintained in good repair, cleaned with a disinfectant and provided with toilet paper and a garbage receptacle.

(4) Each individual family unit shall contain at least one flush toilet, bathing facility and hand washing unit. If there are minor children in the family, there must be private bathing and toilet facilities provided within the individual living quarters of the family.

(5) Toilet rooms in individual family units shall be so located that no individual is required to pass through a sleeping area, other than their own, in order to use toilet facilities. Adequate lighting shall be provided in all toilet rooms. Toilet rooms shall be ventilated to the outside when where there is no window. No flush toilet fixture or urinal shall be located in a sleeping room.

(6) The floors of hand washing, bathing and laundry facilities in migrant labor camps and residential migrant housing shall be of smooth but non-skid finish, impervious to moisture, and sloped to drain.

(7) A laundry facility shall consist of a two compartment stationary tub or an electric washer and dryer. Except as provided elsewhere in this paragraph, there must be at least one laundry facility provided at each migrant labor camp and residential migrant housing establishment. In the event the laundry facility is not located on the premises of residential migrant housing establishments, the owner or operator of the residential migrant housing must either install a laundry facility on the premises or provide transportation to the laundry facility for the migrant or seasonal farmworkers occupying the permitted residential migrant housing. The owner or operator must provide transportation to the laundry facility at least twice a week for the migrant or seasonal farmworkers.

(8) A separate laundry basket shall be provided by the owner or operator for farmworkers to separate the workers' soiled clothing worn in the fields from other clothing worn in the home. The laundry basket must be labeled in the native language of the majority of the farmworkers and in English (for example, Spanish and English, Haitian Creole and English, Vietnamese and English) as: "Dirty Field Clothing, Wash Separately". The owners and operators shall obtain a copy of the United States Environmental Protection Agency's mini booklet entitled "Steps to Protect Yourself from Pesticides" at <http://www.cdc.gov/nasd/docs/d000701-d000800/d000732/d000732.html> or from the county health department to distribute to the migrant and seasonal farmworkers. The booklet contains educational material in Spanish, English and Haitian Creole, explaining the precautionary measures that must be taken to prevent pesticide poisoning in the home as well as explaining the importance of separating soiled field clothing from other clothing worn in the home. The booklets provided must be in the native language of the migrant and seasonal farmworkers. The owners or operators shall obtain a list of contact information for the migrant and seasonal farmworkers directing them where to seek medical attention and where to report a poisoning incident. The list shall be displayed in a conspicuous place in a common area in the migrant labor camp or residential migrant housing units for the health official to view during the inspections.

(9) Floor The floor drains properly trapped shall be provided in all shower baths and shower rooms to remove waste water and facilitate cleaning. The walls and partitions of shower rooms shall be smooth and impervious to moisture. A hose bib equipped to prevent backflow is required in each communal shower area. Soap and single service hand drying facilities shall be provided at communal personal hygiene facilities.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.66, Amended 8-6-92, 11-17-94, Formerly 10D-25.066, Amended _____.

64E-14.016 Field Sanitation Facilities.

Field Sanitation Facility Requirements ~~FIELD SANITATION FACILITIES REQUIREMENTS~~

Number of persons	Toilets	Hand Washing Units	Drinking Water
5-10	1	1	Yes

(1) Where 5 to 10 hand-laboring farmworkers are employed in one location at one time, a field sanitation facility, consisting of 1 toilet facility and 1 hand washing unit shall be provided. The toilet and hand washing unit shall be located adjacent to each other. The facility shall be located within a one-quarter-mile walk of any hand-laborer’s place of work in the field. Where it is not feasible to locate facilities as required above due to terrain, the facilities shall be located at the point of closest vehicular access.

(2) Field toilet facilities shall be constructed and maintained in accordance with provisions of Section ~~64E-6.0101~~ ~~64E-6.001~~, F.A.C., emptied at least weekly, and provide a minimum storage capacity of 50 gallons per unit. Waste Septage from all field toilet facilities shall be disposed by a method approved by the county ~~public health~~ department ~~unit~~. The department shall approve portable water flushed units when determined appropriate for a particular situation. Toilet facilities shall have a screened ventilation opening and self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(3) Noking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material, ~~such as Hydrocoolers or water coolers constructed as such are acceptable for use.~~ Potable water containers shall be maintained by sanitary methods. The interiors of potable water containers shall be cleaned and sanitized at least daily. The containers shall be marked with the words “Drinking Water”, in English and in the native language of the majority of the workers. Single service cups shall be provided unless bottled water is provided or water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County health department staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.

(5) The owners, operators, crewleaders, or primary persons in charge shall ensure that sanitary facilities are available (handwashing receptacles, soap, water, etc.) to allow for washing of hands after working in the fields and before drinking, eating or smoking tobacco. Farmworkers shall be reminded not to eat unwashed produce from the field or use

pesticide containers or other items from the field for food or drinking containers this is to prevent accidental ingestion of pesticide residues.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.67, Amended 8-6-92, 11-17-94, Formerly 10D-25.067, Amended 9-12-99, _____.

64E-14.017 Food Service Facilities.

(1) In each individual family unit, there shall be provided a range, a sink supplied with hot and cold water under pressure, and a refrigerator-freezer capable of maintaining temperatures at or below ~~41~~ 45 degrees Fahrenheit for the refrigerator and at or below 0 degrees Fahrenheit for the freezer.

(2) No change.

(3) In facilities where there is a central mess servicing a dining room or mess hall, the central mess shall be operated and equipped in compliance with Chapter 64E-11, F.A.C. A separate permit for operation of the central mess in the migrant labor camp shall ~~not~~ be required.

(4) through (5) No change.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.68, Amended 8-6-92, 11-17-94, Formerly 10D-25.068, Amended _____.

64E-14.018 Sleeping Facilities, Beds and Bedding.

(1) Sleeping facilities shall be available to each migrant labor camp and residential migrant housing occupant. Barracks type facilities which are designed or operated for both sexes shall contain separate sleeping facilities for each sex. Sleeping facilities shall consist of beds, or cots or bunks complete with mattresses. The operator shall monitor the sleeping facilities to ensure the areas are clean and that ~~When provided by the operator,~~ bedding is shall be kept clean and free from rips and holes. All mattresses must either be replaced or cleaned when soiled or include a clean protective mattress covering made of a material, such as cloth. The covering shall also be smooth and easily cleanable. The covering must be designed to remain intact and protect the mattress from getting soiled. Bed coverings shall be kept clean and in good repair. The owners and operators of the migrant labor camps or residential migrant housing will be responsible for ensuring the protective mattress covers remain intact over the mattresses in use during the periods of occupancy.

(2) through (4) No change.

Specific Authority 381.006(5), 381.0086 FS. Law Implemented 381.0086 FS. History—New 1-1-77, Amended 10-7-84, Formerly 10D-25.69, Amended 8-6-92, 11-17-94, Formerly 10D-25.069, Amended _____.

64E-14.020 Citations, Fines.

(1) Citations will be written on DH Form 4084, ~~_____ Feb 99, herein incorporated by reference, and shall describe the particular nature of the violation, including a specific reference to the provisions of statute or rule allegedly violated. Each and each day the violation exists without being corrected constitutes a separate violation for which a citation may be issued. The citation shall be issued to the owner, supervisor, or operator of the migrant farmworker housing or to the responsible person for remedying the field sanitation facilities' violation including the crew leader, the harvesting company, or the property owner and when a responsible person cannot be identified; any of the above may be cited. The DH Form 4084 can be obtained from the Department of Health. The fines imposed by a citation issued by the department may not exceed \$500 for each violation.~~

(2) No change.

~~(3) Department of Labor and Employment Security crew chief compliance officers shall also issue field sanitation citations to violators of requirements of this section.~~

~~(3)(4) To have the amount of the imposed fine reduced up to one-half, the citation recipient must submit physical proof to the department's county health department director, administrator, or other authorized staff that the violation was corrected within 48 24 hours from the time of the citation. In reducing the amount of the fine, department staff shall take into consideration such factors as the gravity of the violation and the history of compliance of the violator. In determining whether to reduce or waive the fine, the department shall give due consideration to such factors as the gravity of the violation, the good faith in correcting the violation demonstrated by the person who has allegedly committed the violation, and the person's history of previous violations, including violations for which enforcement actions were taken under this section or other provisions of state law.~~

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

Specific Authority 381.006(5); 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History-New 1-1-77, Amended 10-7-84, Formerly 10D-25.71, Amended 8-6-92, 11-17-94, Formerly 10D-25.071, Amended 9-12-99,_____.

64E-14.021 Responsibility of Operator and Owners.

(1) through (3) No change.

~~(4) Farmworker Housing Citation Fines. The fines imposed by a citation issued by the department may not exceed \$500 for each violation.~~

~~(5) The department may reduce or waive the fine imposed by the citation where the person responsible for correction presents proof to the department's county public health unit director, administrator or other authorized staff that the violation was corrected within 48 hours from the time of the citation. In determining whether to reduce or waive the fine, the department shall give due consideration to such factors of~~

~~the gravity of the violation, the good faith of the person who has allegedly committed the violation, and the person's history of previous violations, including violations for which enforcement actions were taken under this section or other provisions of state law.~~

Specific Authority 381.006(5); 381.0086 FS. Law Implemented 381.0086, 381.0087 FS. History-New 1-1-77, Amended 10-7-84, Formerly 10D-25.72, Amended 8-6-92, 11-17-94, Formerly 10D-25.072, Amended 9-12-99,_____.

64E-14.023 Enforcement.

(1) No change.

(2) Any person who interferes with, hinders, or opposes any employee of the department in the discharge of his or her duties pursuant to the provisions of Chapter 381, Chapter 386, Chapter 513, or Chapter 514, F.S. Florida Statutes, or who impersonates an employee of the department, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. ~~Any person who knowingly commits an assault or battery upon department personnel engaged in the lawful performance of their duties is guilty as delineated in subsection 381.0025, F.S.~~

Specific Authority 381.008-381.0086 FS. Law Implemented 381.0012, 381.0025, 381.0061, 381.0087 FS. History-New 1-1-77, Amended 10-7-84, 10D-5.74, Amended 8-6-92, 11-17-94, Formerly 10D-25.074, Amended _____.

64E-14.024 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of a current vaccination certificate shall be kept by the owner/operator of migrant labor camps or residential migrant housing and shall be made available to the department upon department request.

(2) All animals must be kept free from disease and in good health or under treatment by a licensed veterinarian.

(3) Aggressive, venomous, or potentially dangerous animals are not allowed in migrant labor camps or residential migrant housing units.

Specific Authority 381.006, 381.0086(1) FS. Law Implemented 381.0086(1) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Saulter, Environmental Specialist III

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Leslie Harris, Environmental Administrator

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007