

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: February 26, 2007, 9:30 a.m.
 PLACE: Room 116, Larson Building, 200 East Gaines 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 5 calendar hours before the workshop/meeting by contacting: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Michael.Milnes@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Michael.Milnes@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
 5E-1.003 Labels or Tags

PURPOSE AND EFFECT: The purpose of this rule modification is twofold. First is the clarification of existing verbiage, and second to establish labeling criteria for urban lawn or turf fertilizer products and adoption of Best Management Practices for Nitrogen applications for the Green Industry and Golf Course Industry.

SUMMARY: Establishes labeling criteria for fertilizer products distributed in Florida.

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

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

SPECIFIC AUTHORITY: 576.181 FS.

LAW IMPLEMENTED: 576.021 FS.

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

DATE AND TIME: February 28, 2007, 1:30 p.m.

PLACE: Plant Science Research and Education Unit, 2556 West Highway 318, Citra, Florida 32113

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.003 Labels or Tags.

(1) LABEL REQUIREMENTS FOR ALL FERTILIZER PRODUCTS.

(a) Labels setting forth the information specified in this section shall be attached to or accompany any fertilizer distributed in the state. For packaged products, this information shall either (1) Appear on the front or back of the package, (2) occupy at least one-third (1/3) of a side of the package, or (3) be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this information in printed form shall accompany delivery and five analysis tags attached to the delivery ticket shall be supplied to the purchaser at time of delivery. The following information is required on labels for all fertilizer products.

1. ~~Brand name~~ The net weight
 2. The grade (Provided that the grade shall not be required when no primary nutrients are claimed) ~~Brand name~~
 3. Guaranteed analysis, in the following format ~~The grade (Provided that the grade shall not be required when no primary nutrients are claimed)~~
 4. Guaranteed analysis in the following format: Name and address of licensee
 5. ~~Guaranteed analysis in the following format:~~
- Total Nitrogen (N).....___%
 ___ percent Nitrate Nitrogen
 ___ percent Ammoniacal Nitrogen
 ___ percent Water Soluble Nitrogen ~~percent Other/Water Soluble~~
 ___ percent Urea Nitrogen ~~Nitrogen (and/or Urea Nitrogen)~~
 ___ percent Water Insoluble Nitrogen
- Available Phosphorus (P₂O₅).....___%
 Soluble Potassium (K₂O)..... ___%
 Secondary and Micro Plant Nutrients
 (list all claimed or advertised)..... ___%
 Derived From:
5. Name and address of licensee.
 6. The net weight (The term "Bulk" shall suffice for bulk products).

(b) The nitrogen breakdown shall be equal to the total nitrogen guarantee. When urea is present it may be guaranteed as water soluble nitrogen, or urea nitrogen at the option of the licensee. When urea formaldehyde is present, not more than 40 percent of the total nitrogen from this source may be claimed as water soluble nitrogen, or urea nitrogen at the option of the licensee. When the term "organic" is used in the label, labeling, or advertisement of any fertilizer, the water insoluble nitrogen must not be less than 60% of the total guaranteed nitrogen so designated. The nitrogen breakdown shall be equal to the total nitrogen guarantee. Only those materials which actually constitute sources of primary and secondary plant nutrients guaranteed may be shown on the application for registration and the label under the statement "Derived from: _____". When a chelating agent is present, the specific chelated nutrient shall be listed as a source. Commercial, registered or copyrighted brand or trade names shall not be permitted in guarantees or listings of source materials and only in the product name of fertilizer produced by or for the firm holding the rights to such a name.

(c) The terms "Available Phosphoric Acid" or "Available Phosphate" and "Soluble Potash" may be used instead of "Available Phosphorus" and "Soluble Potassium", respectively. When urea is present it may be guaranteed as urea nitrogen or as water soluble nitrogen at the option of the licensee. When urea formaldehyde is present, not more than 40 percent of the total nitrogen from this source may be claimed as urea nitrogen or water soluble nitrogen. When the term "organic" is used in the label, labeling, or advertisement of any fertilizer, the specific organic nutrient shall be identified and qualified as synthetic or natural with the percentage of each specified, to one of the following examples: Nitrogen C 5.0% Organic (3.0% synthetic, 2.0% natural). 5.0% of Nitrogen is Organic (3.0% synthetic, 2.0% natural).

(d) Unacidulated mineral phosphatic materials, basic slag, bone meal, and other phosphatic materials shall be guaranteed as to both the total and available phosphorus (P₂O₅), and, in addition thereto, unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to degree of fineness. The terms "Available Phosphoric Acid" or "Available Phosphate" and "Soluble Potash" may be used instead of "Available Phosphorus" and "Soluble Potassium", respectively.

(e) Only those materials which actually constitute sources of primary and secondary plant nutrients shall be shown on the application for registration and the label under the statement "Derived from: _____". Commercial, registered or copyrighted brand or trade names shall not be permitted in guarantees or listing of source materials and only in the product name of fertilizer produced by or for the firm holding the rights to such a name. Unacidulated mineral phosphatic materials, basic slag, bone meal, and other phosphatic materials shall be guaranteed

as to both the total and available phosphorus (P₂O₅), and, in addition thereto, unacidulated mineral phosphatic materials and basic slag shall be guaranteed as to degree of fineness.

(f) ~~When sulfur (S) is claimed as a plant nutrient, it shall be specified as to the form present, either "free" or "combined", or both.~~

(f)(g) When a chelated form of a plant nutrient is claimed in addition to another form of the same element, the chelated portion shall be guaranteed and the specific chelated nutrient shall be listed as a source in the "Derived from" statement. The chelated guarantee shall be equal to or less than the "Soluble" or "Water Soluble" element guarantee separately.

(g)(h) Guarantees for secondary or micro plant nutrients except other than elements magnesium or sulfur and chelated forms of secondary or micro plant nutrients shall be as follows:

1. Magnesium (Mg) shall be expressed as "Total Magnesium" if derived from insoluble compounds; "Soluble Magnesium" or "Water Soluble Magnesium" if derived from magnesium sulfate or other soluble compounds"; or both if derived from combinations of soluble and insoluble sources.

2. When sulfur (S) is claimed as a plant nutrient, it shall be specified as to the form present, either "free" or "combined", or both. "Specialty Fertilizer" defined in Section 576.011(36), F.S., shall be exempt from Sulfur guarantees.

3. Manganese (Mn) shall be expressed as "Total Manganese" if derived from insoluble compounds. "Soluble Manganese" or "Water Soluble Manganese" if derived from manganese sulfate, manganese nitrate, manganese chloride or other soluble compounds; "total manganese" if derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

4. Iron (Fe) shall be expressed as "Total Iron" if derived from insoluble compounds. "Soluble Iron" or "Water Soluble Iron" if derived from iron sulfate, iron nitrate, iron chloride or other soluble compounds; "total iron derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

5. Zinc (Zn) shall be expressed as "Total Zinc" if derived from insoluble compounds. "Soluble Zinc" or "Water Soluble Zinc" if derived from zinc sulfate, zinc nitrate, zinc chloride or other soluble compounds; "total zinc derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

6. Copper (Cu) shall be expressed as "Total Copper" if derived from insoluble compounds. "Soluble Copper" or "Water Soluble Copper" if derived from copper sulfate, copper nitrate, copper chloride or other soluble compounds; "total copper derived from other compounds; or both Total and Soluble or Water Soluble if derived from combinations of soluble and insoluble sources.

7. Boron (B) shall be guaranteed as to soluble boron, expressed as "boron".

6. Magnesium (Mg) shall be expressed as “Soluble Magnesium” or “Water Soluble Magnesium” if derived from magnesium sulfate or other soluble compounds; “Total Magnesium” if derived from other compounds; or both if derived from combinations of soluble and insoluble sources.

8.7. Other secondary or micro plant nutrients shall be guaranteed as to the total element, expressed as the element.

9.8. Minimum secondary or micro plant nutrient guarantees for specialty fertilizer shall be as follows, except guarantees for those water soluble nutrients labeled for ready to use foliar fertilizers, ready to use specialty liquid fertilizers, hydroponic or continuous liquid feed programs and guarantees for potting soils.

Aluminum (Al)	.10%	Magnesium (Mg)	.10%
Boron (B)	.02%	Manganese (Mn)	.02%
Calcium (Ca)	.50%	Molybdenum (Mo)	.0005%
Cobalt (Co)	.0005%	Sulfur (S)	1.00%
Copper (Cu)	.02%	Zinc (Zn)	.02%
Iron (Fe)	.02%		

(2) FERTILIZER LABEL REQUIREMENTS FOR URBAN TURF, SPORTS TURF OR LAWNS.

(a) Definitions.

1. “Urban Turf” or “Lawns” means non agricultural land planted in closely mowed, managed grasses except golf courses, parks and athletic fields.

2. “Sports Turf” means non agricultural land planted exclusively for golf courses, parks and athletic fields.

3. “No Phosphate Fertilizer” means fertilizer products with phosphate levels below 0.5% intended for established urban turf or lawns.

4. “Low Phosphate Fertilizer” means fertilizer products intended for new or established urban turf or lawns, with phosphate levels equal to or above 0.5% or as provided in (2) (b).

5. “Starter Fertilizer” means a fertilizer formulated for a one-time application at planting or near that time to encourage root growth and enhance the initial establishment.

6. “Established Urban Turf” means urban turf older than 12 months.

7. “New Urban Turf” means urban turf established less than 12 months.

(b) Fertilizer products labeled for use on sports turf, urban turf or lawns shall be no phosphate or low phosphate and have label restrictions for the application of nitrogen.

1. Fertilizers labeled as no phosphate shall not contain more than 0.5% of available phosphate expressed as P₂O₅. The “grade” shall indicate a zero guarantee.

2. Fertilizers labeled as low phosphate shall have directions for use for a maximum application rate of 0.25 lbs. P₂O₅/1000ft² per application and not to exceed 0.50 lbs P₂O₅/1000ft² per year.

3. Fertilizers labeled as starter fertilizers shall have directions for use for a maximum application rate no greater than 1.0 lb of P₂O₅/ 1,000 ft² subsequent applications shall be either Low or No Phosphate fertilizers.

4. Fertilizers labeled as urban turf or lawn fertilizer shall have use directions with a maximum application rate of 0.7 pounds of readily available nitrogen per 1,000 ft² per single application. For urban turf or lawn fertilizers containing sources of slowly available nitrogen, the maximum single application rate is 1.5 of nitrogen per 1,000 ft², provided that the rate of readily available nitrogen does not exceed 0.7 pounds per 1,000 ft². The maximum annual loading of nitrogen is 5 pounds per 1,000 ft², regardless of the nitrogen source.

(c) Specialty fertilizers labeled for urban turf or lawns shall have directions for use that include:

1. A maximum application rate for phosphorous not to exceed 0.25 lbs. P₂O₅/1000 ft² per application and not to exceed 0.50 lbs. P₂O₅/1000 ft² per year.

2. A maximum application rate for nitrogen not to exceed 1 lb per 1000 ft² pursuant to subparagraph (b)4.

a. Rates shall be expressed in units of weight or volume per unit of area coverage (where application rates are given in volume, the label shall provide sufficient information to calculate the application rates by weight).

b. Rates shall be expressed per 1000 square feet.

c. Maximum coverage area per container or bag shall be displayed prominently on the front of the container or bag. (I.E., This product covers 5000 square feet. This bag feeds 4000 square feet).

(d) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:

1. Have directions for use not to exceed rates recommended in the document titled SL191 “Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant”, dated October 2006, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: <http://edis.ifas.ufl.edu/SS404>.

2. Have directions for use in accordance with the recommendations in “BMP’s for the Enhancement of Environmental Quality on Florida Golf Courses”, published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

(e) Fertilizers other than specialty fertilizers labeled for urban turf shall:

Have directions for use not to exceed rates recommended in the document titled Best Management Practices for Protection of Water Resources in Florida, June 2002, Florida Green Industries., which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from [http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/BMP Book](http://www.dep.state.fl.us/water/nonpoint/docs/nonpoint/BMP_Book).

(f) Existing Stock – Licensees are permitted to sell or distribute products that do not meet the label requirements of the rule for one year after the effective date of the rule. Products at the retail level on or after the effective date of the rule are permitted to be offered for sale for 1.5 years from the effective date of the rule and 2 years from the effective date of the rule if they are registered EPA fertilizer-pesticide mixtures.

~~(3)(2)~~ SOIL ADDITIVES, SOIL AMENDMENTS AND SOIL CONDITIONERS. The following information shall appear on the product label in a conspicuous and readable form:

(a) Guaranteed analysis, in the following format.

Soil Amending Ingredients:

“Name of ingredient” _____%

(Identify and list all soil amending ingredients)

Total Other Ingredients _____%

(b) Purpose of product.

(c) Directions for application.

(d) Net volume, in lieu of net weight, may be used for labeling mulch products or materials sold for primary use as above ground dressing.

~~(4)(3)~~ SLOW OR CONTROLLED RELEASE NUTRIENTS.

(a) When one or more slow or controlled release nutrients are claimed or advertised, the guarantees for such nutrients shall be shown as a footnote following the listing of source materials and shall be expressed as percent of actual nutrient.

(b) Listing of source materials providing slow or controlled release characteristics by controlling the water solubility of a naturally soluble material (as by coating or occlusion) shall constitute a claim of controlled release nutrient, and a guarantee for such nutrient shall be required.

(c) Listing of source materials in which availability of nitrogen is controlled through slow hydrolysis of water soluble organic nitrogen compounds shall constitute a claim of slow or controlled release nutrient and a guarantee for such nutrient shall be required. The reference for such availability shall be the enzymatic hydrolysis of urea.

(d) No guarantee, claim or advertisement shall be made or required when a slow or controlled release nutrient is less than 15 percent of the total guarantee for that nutrient.

~~(5)(4)~~ CHLORINE GUARANTEE.

(a) Chlorine shall be guaranteed as to maximum percentage content, when applicable, in agricultural fertilizer. “Specialty Fertilizer” defined in Section 576.011(36), F.S., shall be exempt from chlorine guarantees.

(b) Maximum chlorine shall be guaranteed in all brands which contain one percent (1%) or more, or in which potassium chloride or other materials bearing substantial amounts of chlorine are present.

(c) The maximum chlorine shall be guaranteed in all brands intended for use on tobacco.

(d) Maximum chlorine guarantees shall be reasonably accurate and not misleading, and consistent with source materials present. Two percent (2%) shall be the maximum permissible guarantee in fertilizers, except where potassium chloride, fish emulsion, or other high chlorine materials are present.

~~(6)(5)~~ DECLARATION OF FLORIDA LICENSEE NUMBER.

(a) The Florida Licensee Number, shall appear and be clearly identified on all fertilizer labels with a capital “F” preceding the license number.

(b) The number must be clear, legible and appear prominently and conspicuously on the label in proximity to the brand name or guaranteed analysis. The number must be placed in such a manner as to avoid any misinterpretation or confusion with percentages, pounds, or figures, statements, and in no way be misleading.

~~(7)(6)~~ REGISTRATION OF SPECIALTY FERTILIZER PRODUCTS. All specialty fertilizers to be sold within the state must be registered with the Bureau of Compliance Monitoring prior to any sale. Each product will be registered by filing the properly completed appropriate form with the Bureau. Only one form will be submitted for each product. Specialty fertilizer packaged, marketed, and distributed for home and garden use and packaged in quantities of forty-nine pounds or less (Specialty Fertilizer) will be registered upon the filing of properly completed Application for Specialty Fertilizer Registration (Fertilizer Form DACS-13220, Rev. 5/03). ~~No IN 202, effective 4/94.~~

~~(8)(7)~~ LICENSEE.

(a) Any person whose name is on a fertilizer label and who guarantees the fertilizer must obtain a license prior to distribution of that fertilizer to a non-licensee.

(b) A license will be granted upon receipt of a properly executed Application for Fertilizer License (Fertilizer Form DACS-13222, Rev. 5/03) ~~No. IN 201, effective 4/94~~.

Specific Authority 576.181 FS. Law Implemented 576.021 FS. History—Revised 1-23-67, Amended 10-22-68, 1-1-77, 3-27-77, Formerly 5E-1.03, Amended 8-3-93, 7-9-95, 10-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services,

Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anderson H. "Andy" Rackley

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NOS.:	RULE TITLES:
59E-7.012	Inpatient Data Reporting and Audit Procedures
59E-7.014	Inpatient Data Format – Data Elements, Codes and Standards

PURPOSE AND EFFECT: The rule amendments add inpatient data elements, modify inpatient data elements and codes, and modify inpatient data formats related to the reporting of present at admission data.

SUMMARY: The agency is proposing amendments to Rules 59E-7.012 and 59E-7.014, F.A.C., that modify inpatient data reporting requirements.

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

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

SPECIFIC AUTHORITY: 408.08(1), 408.15(8), 408.15(11) FS.

LAW IMPLEMENTED: 408.061(1)(a) 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: March 7, 2007, 10:00 a.m.

PLACE: Agency for Health Care Administration, First Floor Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lisa Rawlins, Bureau Chief, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, 2727 Mahan Drive, MS#16, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-7.012 Inpatient Data Reporting and Audit Procedures. (1) through (7) No change.

(8)(a) No change

(b) Data submitted to the Internet address shall be electronically transmitted with the inpatient data in the XML file using the Inpatient Data XML schema available at <http://ahca.myflorida.com>. The Inpatient Data XML Schema is incorporated by reference.

(c) No change.

(9) through (12) No change.

Specific Authority 408.08(1), 408.15(8), 408.15(11) FS. Law Implemented 408.061(1)(a) FS. History–New 12-15-96, Amended 1-4-00, 7-11-01, 7-12-05,_____.

59E-7.014 Inpatient Data Format – Data Elements, Codes and Standards.

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

(d) Data Type. Enter PD10-1 ~~PD10~~ for Inpatient Data. A required field

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

(p) Present on ~~at~~ Admission Indicator for Principal Diagnosis Code, Present on ~~at~~ Admission Indicator for Other Diagnosis Code (1), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (2), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (3), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (4), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (5), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (6), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (7), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (8), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (9), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (10), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (11), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (12), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (13), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (14), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (15), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (16), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (17), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (18), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (19), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (20), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (21), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (22), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (23),

Present on ~~at~~ Admission Indicator for Other Diagnosis Code (24), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (25), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (26), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (27), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (28), Present on ~~at~~ Admission Indicator for Other Diagnosis Code (29), ~~and~~ Present on ~~at~~ Admission Indicator for Other Diagnosis Code (30), Present on Admission Indicator for External Cause of Injury Code (1), Present on Admission Indicator for External Cause of Injury Code (2), and Present on Admission Indicator for External Cause of Injury Code (3). ~~(30):~~ A code differentiating whether the condition represented by the corresponding Principal Diagnosis Code (n), Other Diagnosis Code ~~other diagnosis code~~ (o) (1) through (30), and External Cause of Injury Code (ww) (1) through (3) ~~(30)~~ was present ~~on at~~ admission or whether the condition developed after admission as determined by the physician, medical record, or nature of the condition. A required entry if the corresponding ~~other diagnosis code~~ is reported or a blank field may be reported when present on admission is not applicable. Present on Admission Indicator ~~m~~Must be a one (1) character alpha one digit code as follows:

1. Y 1 – Yes – Present at the time that the order for inpatient admission occurs. ~~The condition was present at admission including chronic conditions diagnosed during the hospitalization, an outcome of delivery, or a reason for admission.~~

2. N 2 – No – Not present at the time that the order for inpatient admission occurs. ~~The condition was not present at admission such as an acute condition that develops after admission or an exacerbation of a chronic condition that develops after admission.~~

3. U 3 – Unknown 3 – Uncertain – Documentation is insufficient to determine if condition is present on admission. ~~The status of the condition cannot be determined from the medical record, nature of the condition, or after requesting a determination from the patient's physician.~~

4. W – Clinically Undetermined – Provider is unable to clinically determine whether condition was present on admission or not.

(q) through (xx) No change.

(3) No change.

Specific Authority 408.15(8) FS. Law Implemented 408.061(1)(a) FS. History–New 12-15-96, Amended 7-11-01, 7-12-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Rawlins, Bureau Chief, Florida Center for Health Information and Policy, Analysis, Agency for Health Care Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: RULE TITLE:

61G17-9.004 Citations

PURPOSE AND EFFECT: The purpose and effect of this amendment is to update the existing language of this rule.

SUMMARY: The existing language of this rule is updated.

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

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

SPECIFIC AUTHORITY: 472.008, 455.224 FS.

LAW IMPLEMENTED: 455.224, 472.033(2) 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 Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.004 Citations.

The offenses enumerated in this rule may be disciplined by the issuance of a citation by the Department of Business and Professional Regulation. The citation shall impose the prescribed fine, and the Department may impose the costs of the investigation. If the citation option is accepted by the licensee, the offense will not be brought to the attention of the probable cause panel of the Board.

(1) No change.

(2) A licensee's first time violation of the prohibition against practicing on a delinquent or inactive license may result in a citation ~~if the licensee fails to correct the violation in response to a notice of noncompliance.~~ If a citation is issued, the licensee must pay a fine of \$1,000.00.

(3) No change.

Specific Authority 472.008, 455.224 FS. Law Implemented 455.224, 472.033(2) FS. History–New 1-16-92, Formerly 21HH-9.004, Amended 2-20-96, 10-29-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-9.0045
 RULE TITLE: Notices of Noncompliance
 PURPOSE AND EFFECT: The purpose and effect of this amendment is to update the existing language of this rule.
 SUMMARY: The existing language of this rule is updated.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 455.225(3) FS.
 LAW IMPLEMENTED: 455.225(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 Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-9.0045 Notices of Noncompliance.

The offenses enumerated in this rule shall be the subject of a notice of noncompliance before disciplinary action is taken:

- (1) ~~A licensee's first time violation of the prohibition against practicing on a delinquent or inactive license.~~
- (2) through (8) renumbered (1) through (7) No change.

Specific Authority 455.225(3) FS. Law Implemented 455.225(3) FS. History--New 12-25-95, Amended 10-1-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-16.100	General
62-16.200	Definitions
62-16.300	Renewable Energy Technologies Grants Program
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.500	Solar Energy Systems Incentives Program
62-16.600	Renewable Energy Technologies Investment Tax Credit
62-16.700	Renewable Energy Technologies Sales Tax Program
62-16.900	Forms

PURPOSE AND EFFECT: The proposed rule development involves the creation of new rule Chapter 62-16, Florida Administrative Code, related to implementation of the Florida Renewable Energy Technologies and Energy Efficiency Act, Sections 377.801-.806, Florida Statutes ("F.S."), as enacted in Senate Bill 888, signed June 19, 2006. The proposed rule is to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under the Renewable Energy Technologies Grants Program; and to develop rebate applications and administer the issuance of rebates for the Solar Energy Systems Incentives Program. The proposed rule Chapter is also to implement the provisions of the corporate tax incentives provided for renewable energy technologies pursuant to Section 220.192, F.S., as provided in Senate Bill 888, signed June 19, 2006.

SUMMARY: The proposed rule chapter is to provide for application requirements, provide for ranking of applications, and administer the awarding of grants under the Renewable Energy Technologies Grants Program; and to develop rebate applications and administer the issuance of rebates for the Solar Energy Systems Incentives Program. The proposed rule chapter is also to implement the provisions of the corporate tax incentives provided for renewable energy technologies pursuant to Section 220.192, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost will be prepared by the Department.

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: 377.804, 377.806, 212.08, 220.192 FS.

LAW IMPLEMENTED: 377.801-.806, 212.08, 220.192 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: March 21, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Complex, Conference Room 609, 2600 Blair Stone Road, 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: Ms. Landa Korokous, Florida Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS 48, Tallahassee, Florida 32399-2400; (850)245-8002. 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: Alexander Mack

THE FULL TEXT OF THE PROPOSED RULES IS:

RENEWABLE ENERGY TECHNOLOGIES AND ENERGY EFFICIENCY

62-16.100 General.

This part implements the Florida Renewable Energy Technologies and Energy Efficiency Act, providing for grants for renewable energy technologies and rebates for solar energy systems. This part also implements applications for sales tax incentives for renewable energy technologies provided for in Section 212.08, F.S., and applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Specific Authority 377.804, 377.806, 212.08, 220.192 FS. Law Implemented 377.801-.806, 212.08, 220.192 FS. History—New

62-16.200 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) “Bioenergy” means energy derived from biomass.
- (2) “Biomass” means “biomass” as defined in Section 366.91(2)(a), F.S.
- (3) “Department” means the Florida Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

(5) “Purchase date” means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) “Solar thermal pool heater” means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Specific Authority 377.804, 377.806, 212.08, 220.192 FS. Law Implemented 377.801-.806, 212.08, 220.192 FS. History—New

62-16.300 Renewable Energy Technologies Grants Program.

(1) REQUEST FOR GRANT PROPOSALS.

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

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department’s website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Grant Program, Renewable Energy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 62-16.900(1), which is herein adopted and incorporated by reference. One copy shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 62-16.900(1), from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

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

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department's web site.

(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

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

(4) CRITERIA.

(a) The criteria listed in Section 377.804(4), F.S., shall apply to grants evaluated pursuant to Sections 377.804(1) through 377.804(5), F.S.

(b) In addition to the criteria in Section 377.804(4), F.S., grant applications shall be evaluated for the degree to which a project incorporates multiple renewable energy technologies.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

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

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

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

(6) RANKING.

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

<u>Criteria</u>	<u>Max Points Possible</u>
<u>Cost Share Percentage¹</u>	<u>20</u>
<u>Economic Development²</u>	<u>16</u>
<u>Technical Feasibility³</u>	<u>16</u>
<u>Innovative Technology⁴</u>	<u>16</u>
<u>Production Potential⁵</u>	<u>16</u>
<u>Energy Efficiency⁶</u>	<u>16</u>
<u>Fostering Awareness⁷</u>	<u>16</u>
<u>Project Management⁸</u>	<u>16</u>
<u>Duration & Timeline⁹</u>	<u>6</u>
<u>Location Served¹⁰</u>	<u>4</u>
<u>Public Integration¹¹</u>	<u>4</u>
<u>Multiple Technologies¹²</u>	<u>4</u>
<u>Total Numerical Rating</u>	<u>150</u>

¹Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

²Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for economic development in Florida.

³Technical Feasibility: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

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

Maximum (16 points): Project demonstrated to be technically feasible and claims are fully supported.

⁴Innovative Technology: The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

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

Maximum (16 points): Project incorporates technologies or processes that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to meeting Florida's energy needs in new or innovative ways.

⁵Production Potential: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

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

Maximum (16 points): Significant potential for energy production in Florida.

⁶Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

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

Maximum (16 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

⁷Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

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

Maximum (16 points): Significant potential for fostering awareness of renewable energy technologies throughout Florida.

⁸Project Management: The ability to administer a complete project.

Minimum (0 points): Project team mismatched for tasks identified. No prior management experience on project team. Budget is unrealistic.

Maximum (16 points): Project team has extensive management experience and expertise in the proposed field of study. Budget suited to tasks involved.

⁹Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (6 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

¹⁰Location Served: The geographic area in which the project is to be conducted in relation to other projects.

Minimum (0 points): Project duplicates existing efforts in the county or counties in which the project is proposed, minimizing its potential value to the community and state.

Maximum (4 points): Location of project benefits related efforts in the county or counties in which the project is proposed and surrounding areas, creating value for the community and state.

¹¹Public Integration: The degree of public visibility and interaction.

Minimum (0 points): No visibility and interaction with the general public or this element of the evaluation criteria was not addressed.

Maximum (4 points): Significant potential for public visibility and interaction.

¹²Multiple Technologies: The degree to which a project incorporates multiple renewable energy technologies in the project.

0 points = One renewable energy technology is used.

2 point = Two renewable energy technologies are used.

4 points = Three or more renewable energy technologies are used.

(b) The department shall establish a review group of no less than 3 people, who shall each individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(c) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the score of the individual application compared to all other

applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

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

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

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

(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

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

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

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this Chapter.

(f) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement may be considered as match. The department shall determine, on a case by case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804 FS. Law Implemented 377.801-.804 FS. History—New _____.

62-16.400 Renewable Energy Technologies Grants Program for Bioenergy.

(1) REQUEST FOR GRANT PROPOSALS.

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

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department's website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program for Bioenergy shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Grant Program, Bioenergy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 62-16.900(2), which is herein adopted and incorporated by reference. One copy shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters from third parties required by Form 62-16.900(2), are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

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

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department's web site.

(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

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

(4) CRITERIA.

(a) The criteria listed in Section 377.804(6), F.S., shall apply to grants evaluated pursuant that Section.

(b) In addition to the criteria in Section 377.804(6), F.S., grant applications shall be evaluated for the degree to which a project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

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

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

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

(6) RANKING.

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

Criteria	Max Points Possible
Economic Development ¹	30
Florida-grown biomass ²	30
Energy Efficiency ³	20
Fostering Awareness ⁴	10
Cost Share Percentage ⁵	20
Duration & Timeline ⁶	10
Expand Agribusiness ⁷	20

Market Potential ⁸	10
Scientific Merit ⁹	20
Total Numerical Rating	170

¹**Economic Development:** The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (30 points): Significant potential for economic development in Florida.

²**Florida Grown Biomass:** The project produces bioenergy from Florida grown crops or biomass.

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

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

³**Energy Efficiency:** The degree to which a project demonstrates efficient use of energy and material resources.

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

Maximum (20 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

⁴**Fostering Awareness:** The degree to which the project fosters overall understanding and appreciation of bioenergy technologies.

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

Maximum (10 points): Significant potential for fostering awareness of bioenergy technologies throughout Florida.

⁵**Cost Share Percentage:** The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

⁶Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (10 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

⁷Expand Agribusiness: The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

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

Maximum (20 points): Significant potential for enhancing the value of agricultural products and expanding agribusiness in Florida.

⁸Market Potential: Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

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

Maximum (10 points): Several recent market and feasibility research papers published in reputable trade journals clearly indicating significant market potential for Florida.

⁹Scientific Merit: The extent to which the proposed project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of scientific merit or this element of the evaluation criteria was not addressed.

Maximum (20 points): Project demonstrated to be technically feasible and claims are fully supported by scientific community.

(b) The department shall establish a review group of 4 people. Two members of the review group shall be appointed by the department. Two members of the review group shall be appointed by the Department of Agriculture and Consumer Services. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (5)(a).

(c) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the score of the individual application compared to all other applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

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

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

(c) The department shall award up to the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under paragraph (6)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining in each state fiscal year.

(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

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

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

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this Chapter.

(f) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement may be considered as match. The department shall determine, on a case-by-case basis, whether such expenses qualify for match. Approvals of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804 FS. Law Implemented 377.801-.804 FS. History–New.

62-16.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for the Solar Energy Systems Incentives Program shall be submitted to the Department of Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS-21, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application Form 62-16.900(3), which is herein adopted and incorporated by reference. All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the 90th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which Department offices have been closed, then the deadline shall be the next business day.

(b) Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

(c) All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the department must be legible.

(d) The department shall review each timely filed application to determine if the application includes all required information.

1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first-come, first-serve order for allocation of rebates based upon the date and time the application is filed.

2. If the department determines that the application does not contain all of the required information the department shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

3. Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first serve order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The department shall issue each rebate after the department determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Specific Authority 377.806 FS. Law Implemented 377.801, 377.802, 377.803, 377.806 FS. History–New.

62-16.600 Renewable Energy Technologies Investment Tax Credit.

(1) GENERAL – This section applies to any taxpayer seeking a tax credit toward corporate income tax pursuant to Section 220.192, F.S., in the amount of the eligible costs as defined in Section 220.192(1)(b), F.S.

(a) This chapter does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 220.192, F.S., shall apply to the department using the application process and Form 62-16.900(4), which is herein adopted and incorporated by reference. If deemed eligible for a tax credit, the department will issue a tax credit certificate to the applicant.

(b) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that agency.

(c) The department will not disburse any funds in connection with this tax credit program. Credits will not result in the payment of refunds by DOR if total credits exceed the amount of tax owed.

(d) Pursuant to Section 220.192, F.S., tax credits are limited to \$3 million per state fiscal year for all taxpayers in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state; \$1.5 million per state fiscal year for all taxpayers in connection with an investment in commercial stationary hydrogen fuel cells in the

state; and \$6.5 million per state fiscal year for all taxpayers in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state.

(e) The department shall be responsible for allocating the tax credits and tracking granted tax credits in a fiscal year to ensure that tax credits granted do not to exceed the limits provided in Section 212.192, F.S. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application shall remain in the first-come, first-served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.

(f) Tax credits pursuant to Section 220.192, F.S., are available only for eligible costs incurred during the state fiscal year for which the tax credit application is submitted.

(2) **APPLICATION.** Applications shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Investment Tax Credit Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application Form 62-16.900(4), which is herein adopted and incorporated by reference.

(b) All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. on the 15th day following the end of the applicant's tax year. If the 15th day after the end of the applicant's tax year falls on a weekend or federal holiday, then the deadline shall be the next business day.

(c) All applications must include the information required on the application form, and must include all supporting documentation necessary. Supporting documentation shall include all invoices and proof of payment for expenses for which the applicant seeks the tax credit.

(d) Applications must include a completed and signed affidavit (included as part of the application form) from each applicant certifying that all information contained in the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct.

(3) **ELIGIBILITY.** The department shall review each timely filed application for completeness and determine eligibility as follows:

(a) The department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. An application package will be deemed "complete" if Form 62-16.900(4), contains all required information and appropriate signatures and the package includes all necessary supporting documentation.

(b) If the department determines that the application does not contain all of the required information to make the application complete, the department shall notify the applicant

in writing within 15 days of the receipt of the application of the deficiencies indicated by certified mail, unless the applicant requests, and is willing to pay for, alternative express mailing. Applications will not be returned to applicants.

(c) An applicant who is notified of a failure shall not be issued a credit until all required information is provided to the department.

(d) Credits shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the department.

(e) Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of credits.

(f) The department will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met all requirements, the department shall issue a determination of eligibility for applied for tax credits within 45 days of the receipt of complete information, subject to the fiscal limitations in Section 220.192, F.S., for the tax year in which the tax credit application is submitted.

Specific Authority 220.192 FS. Law Implemented 220.192 FS. History—New _____.

62-16.700 Renewable Energy Technologies Sales Tax Program.

Applications for sales tax exemption pursuant to Section 212.08(7)(ccc), F.S., shall be filed with the department using Form 62-16.900(5), which is herein adopted and incorporated by reference, and shall be sent to Florida Department of Environmental Protection, ATTN: Renewable Energy Technologies Sales Tax Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400.

Specific Authority 212.08(7)(ccc) FS. Law Implemented 212.08 FS. History—New _____.

62-16.900 Forms.

The following forms are adopted and incorporated by reference in this Rule Chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400.

(1) Renewable Energy Technologies Grant Program Application, Form 62-16.900(1), (effective _____).

(2) Renewable Energy Technologies Grant Program Application for Bioenergy, Form 62-16.900(2), (effective _____).

(3) Solar Energy System Incentives Program Application, Form 62-16.900(3), (effective _____).

(4) Renewable Energy Technologies Investment Tax Credit Program Application, Form 62-16.900(4), (effective _____).

(5) Renewable Energy Technologies Sales Tax Program Application, Form 62-16.900(5), (effective _____).

Specific Authority 212.08, 220.192, 377.804, 377.806 FS. Law Implemented 377.801-.806, 212.08, 220.192 FS. History- New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alexander Mack
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Allan Guyet
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2006

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER NO.: RULE CHAPTER TITLE:
68E-1 Marine Turtle Permits
RULE NOS.: RULE TITLES:
68E-1.002 Introduction, Scope and Definitions
68E-1.004 General Permit Application
Procedures, Requirements and Expiration
68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities
68E-1.005 Suspensions and Revocation

PURPOSE AND EFFECT: The proposed rule amendment clearly outlines the procedures by which an accredited entity can apply for a Marine Turtle Permit, the basis for FWC to issue these permits, and provides concise, transparent criteria for permit approval.

SUMMARY: This Rule specifies the intent and scope for Marine Turtle Permit approval, defines terms specific to the permit, explains application procedures, lists application and approval criteria for requests to conduct conservation activities, including research, rehabilitation, stranding response, educational display, nesting surveys, and relocation of nests for Florida’s threatened and endangered marine turtles.

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

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

SPECIFIC AUTHORITY: 370.10(2), 370.12(1) FS.

LAW IMPLEMENTED: 370.10(2), 370.12(1) FS.

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

DATE AND TIME: February 19, 2007, 6:00 p.m.

PLACE: The Florida Room, Building C, Third Floor, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, FL 32940

Anyone attending the hearing and requiring special accommodations to participate should call Cindy Hoffman at (850)488-6411 at least five calendar days before the workshop. Hearing- or speech-impaired persons should call (850)488-9542 to arrange assistance.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Robbin Trindell, MS#6A, FWC, 620 South Meridian Street, Tallahassee, Florida, 32399-1600, (850)922-4330 (robbin.trindell@myfwc.com)

THE FULL TEXT OF THE PROPOSED RULES IS:

68E-1.002 Introduction, Scope and Definitions.

(1) Florida Statutes restrict the take, possession, disturbance, mutilation, destruction, selling, transference, molestation, and harassment of marine turtles, nests, or eggs. Protection is also afforded to marine turtle habitat. A specific authorization from Commission staff is required to conduct scientific, conservation, or educational activities that directly involve marine turtles in or collected from Florida, their nests, hatchlings or parts thereof, regardless of the applicant's possession of any federal permit. The authorization may be in the form of a permit, a loan agreement, or a letter of consent, as described in Rule 68E-1.0041, F.A.C.

(2) Whenever the Commission determines that a request to conduct research, conservation, or educational activities with marine turtles, their nests, or hatchlings is in the public interest and will advance marine turtle recovery or protect marine turtles, their nests, or habitat, it may issue authorizations, upon such terms, conditions, or restrictions as are necessary to ensure that the intentions of Section 370.12(1)(c) and (d), F.S. are not violated.

(3) Under agreement with the federal government, the issuance of a permit or other authorization by the Commission may satisfy U.S. Fish and Wildlife Service permit requirements for research, conservation, or educational activities involving Florida marine turtles. An additional permit from the National Marine Fisheries Service might be required for in-water work.

(4) Permits may not be issued for the importation of marine turtles across international boundaries or waters or for head starting, the practice of collecting marine turtle eggs or hatchlings solely for the purpose of raising them until they attain a larger size and then releasing them.

(5) For the purposes of this rule, the following definitions apply:

(a) “Applicant” means the individual who applies for a Marine Turtle Permit from the Commission.

(b) “Conservation purpose” means an act carried out solely for the purpose of maintaining life or habitat of any marine turtle, their nests, hatchlings, or promoting the recovery of marine turtle populations.

(c) “Educational facility” means public or non-public colleges or universities, or nature centers, museums, zoos, aquaria, or similar institutions. Educational facilities must be regularly opened to the public for the primary purpose of providing an educational experience.

(d) “Educational purpose” means to hold marine turtles to exhibit, inform and instruct the public in their biology, habitat, or conservation needs.

(e) “Hatchery” means an area of beach where authorized individuals have placed marine turtle nests in aggregated clusters in one location, with or without restraining or protective walls.

(f) “Hatchling” means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.

(g) “Marine turtle” means any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempii* (Kemp’s ridley) or hybrids of these species. For purposes of this rule, marine turtle is synonymous with sea turtle.

(h) “Nest” means an area where marine turtle eggs have been naturally deposited or subsequently relocated.

(i) “Nest relocation” means the practice of excavating a nest following deposition and reburying all intact eggs.

(j) “Principal Permit Holder” means the individual authorized to conduct marine turtle conservation activities under the provisions of this Chapter.

(k) “Prudent peer review standards” means criteria or processes arising from scientific methods established or generally accepted by the scientific community to evaluate deductive models, experiments, research proposals, and results that are directed toward the validation of hypotheses or advancement of scientific knowledge.

(l) “Regulatory permit or authorization” means a permit, water quality certificate, or authorization issued pursuant to Florida Statutes Chapters 161 or 373.

(m) “Scientific purpose” means for the purposes of conducting research or analysis using prudent experimental protocols to gain scientific knowledge and to advance conservation, population management, or biological understanding of marine turtles.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2) 370.12 (1) FS. History–New _____.

(Substantial Rewording of Rule 68E-1.004 follows. See Florida Administrative Code for present text.)

68E-1.004 General Permit Application Procedures, Requirements and Expiration.

(1) Any individual desiring to obtain authorization to conduct scientific, conservation, or educational activities directly involving marine turtles shall submit an application to the Commission prior to conduct of the activity. Applications shall be submitted on the application form to the Florida Fish and Wildlife Conservation Commission, Tequesta Field Laboratory, 19100 S.E. Federal Highway, Tequesta, FL 33469 unless otherwise directed. Application for Marine Turtle Permit (FWC Form 32-101 effective 7/99) is hereby incorporated by reference. Application forms shall be made available by the Commission to any individuals requesting them in writing from the above-listed submittal address or by telephone.

(2) Any individual who is a properly accredited person in accordance with Section 370.12(1)(c), F.S., has specific experience with marine turtles and the proposed activity, and meets the applicable criteria in this rule section may be eligible to receive authorization from the Commission to undertake activities for research, conservation, or educational purposes that involve any of the prohibited actions listed in Section 370.12(1)(d)1. and 2., F.S. The Commission shall not issue permits to individuals unable to demonstrate a working knowledge of current marine turtle conservation practices, to individuals lacking specific experience in conducting marine turtle research or conservation activities, to individuals who do not meet the applicable criteria in this rule section, or if there is no demonstrated need for the project.

(3) In addition to those individuals requesting to conduct activities in accordance with subsection (1) above, any individual who is a properly accredited person may be eligible to receive authorization from the Commission in the form of a loan agreement to possess dead marine turtles or marine turtle parts for educational purposes.

(4) Applicants requesting a Marine Turtle Permit for the first time to conduct nesting surveys as a Principal Permit Holder shall meet the following additional criteria.

(a) Applicants shall have specific experience conducting nesting surveys, including a minimum of two (2) nesting seasons, or two hundred (200) hours, of marine turtle nesting survey experience. State and federal employees who are requesting a permit for a marine turtle nesting survey program on state or federal land are not required to meet this criteria, but shall submit the following information for their program to document their experience.

(b) To document experience, the applicant shall submit the following information:

1. The specific duties and responsibilities related to marine turtle conservation.

2. The frequency with which nesting surveys were conducted.

3. The area that was surveyed.

4. Whether surveys were conducted independently or with other volunteers.

5. Approximate number of crawls observed during the two (2) year period.

6. List of all of training that was received or presented and name of trainer.

7. Years of program oversight and number of volunteers or staff supervised.

(c) Knowledge – Applicant shall satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to general marine turtle biology, nests, species characteristics, and Commission guidelines. Applicant shall correctly answer 95% of the questions to be eligible to receive a permit.

(d) Education – The Commission may also consider formal and continuing education course work and work experience in the permitting decision.

(e) References – Upon request, the applicant shall provide two (2) references, each of whom must have specific marine turtle nesting survey experience in Florida. These references must be knowledgeable regarding the applicant's responsibilities, performance, and experience in marine turtle nesting surveys. At least one of the references must be a Principal Permit Holder, and it is recommended that both references be from Principal Permit Holders. Personnel supervised by the applicant should not be used as a reference. Complete addresses, telephone numbers, and e-mail addresses should be provided for each reference.

(f) For all in-water protection or research work, the permittee shall provide evidence of a valid Section 10 or Section 7 Incidental Take Authorization from the National Marine Fisheries Service.

(5) To qualify to relocate marine turtle nests as a Principal Permit Holder, the applicant shall have a minimum of one (1) nesting season, or twenty-five (25) hours, of marine turtle nest relocation experience, obtained within the past five (5) years. As part of the application, the applicant shall provide complete up-to-date documentation of relocation experience for at least one nesting season, including:

(a) Field data sheets documenting relocation experience signed by the Principal Permit Holder (in Florida) or other biologist with marine turtle nesting survey experience (outside Florida) that oversaw the relocations. To document experience, the Applicant shall submit the following information:

1. List of relocated nests with reason for relocation.

2. List of beach sites that received relocated nests and explanation of how they were chosen.

3. Hatching success data for all relocated nests. Hatching success must equal or exceed 65% for all relocated nests that were not lost due to storms.

4. Applicant must satisfactorily complete a set of standardized comprehensive qualifying examination questions pertaining to marine turtle nest relocation techniques by correctly answering 95% of the questions.

(6) Upon receipt of multiple applications to conduct nesting surveys on a designated beach, Commission staff shall consider the following in permit decisions:

(a) The length of time applicants conducted nesting surveys in that area and their familiarity with the specific beach.

(b) Ability of the applicants to provide the technical information required by a state or federal regulatory permit.

(c) History of compliance of the applicants with all reporting requirements.

(d) History of compliance of the applicants with all provisions of this Chapter.

(e) Consistency in data collection for the Statewide and Index Nesting Beach Surveys.

(7) In the event an application is submitted to conduct marine turtle conservation activities required in a local, state or federal regulatory permit, Commission staff may issue a second authorization to conduct only those activities required as conditions of the authorized regulatory activity.

(a) All such activities shall be conducted secondary to the Statewide or Index Nesting Beach Surveys and in cooperation with the Principal Permit Holder authorized to conduct Statewide or Index Nesting Beach Surveys.

(b) Statewide and Index Nesting Beach data shall be submitted to Commission by the Principal Permit Holder.

(8) When marine turtle protection or monitoring is required as a condition of any regulatory permit, a Marine Turtle Permit to conduct such monitoring shall only be issued to an independent third party who can obtain appropriate authorization as required by this rule section. Counties or municipalities with an established marine turtle conservation program, including a Principal Permit Holder, may conduct monitoring for all county-sponsored activities such as beach nourishment provided the Principal Permit Holder is independent of other county programs such as beach management and meets all requirements of this Chapter.

(9) The Commission may issue permits to an individual who is a properly accredited person requesting to conduct stranding activities as a Principal Permit Holder, provided they have evidence of having attended a Commission or National Marine Fisheries Service stranding workshop within one year prior to application.

(10) Applications for authorization to conduct activities for a scientific purpose shall be accompanied by a research proposal or a detailed statement-of-work to be performed.

(a) The Commission, using prudent peer review standards, shall consider the following in permit decisions:

1. Scientific protocols of the application;

2. The need for the research; and

3. The potential for the research to promote the recovery of marine turtle populations.

(b) The Commission may seek additional information from the applicant or reviewer, or may consult additional reviewers to ensure appropriate peer review of the application.

(c) The Commission may impose certain restrictions on the permit or deny the application based on the above assessments. It is the intent of the Commission to provide and follow a consistently applied, science-based mechanism to ensure that applicants use appropriate scientific methodologies when conducting activities that involve manipulative or invasive methods with marine turtles or their nests.

(11) All facilities making application to hold or to rehabilitate marine turtles are subject to inspection by Commission personnel before issuance of a permit and on a periodic basis for the duration of the permit, if issued. To obtain a permit, the facility must do the following:

(a) Install interpretive signs regarding marine turtle conservation at the educational exhibit of marine turtles. The scientific content of such signs must be approved by Commission staff prior to installation, and approved signs must remain in place while captive or educational turtles are on display at the facility.

(b) Veterinary care shall be provided by facilities holding or rehabilitating marine turtles. Veterinarians providing marine turtle care shall satisfactorily demonstrate an expertise with marine turtles and be listed on the Marine Turtle Permit.

(c) Rehabilitated marine turtles shall be released as soon as they are fit for survival in the wild. The determination of fitness shall be made by the attending veterinarian in consultation with Commission personnel.

(d) All releases shall be coordinated in advance with Commission personnel.

(12) All facilities holding live marine turtles shall complete monthly reporting forms supplied by the Commission and submit them quarterly. Report forms request information on the status of captive marine turtles, acquisitions, deaths, releases and water quality and may be modified periodically. Failure to provide timely reports shall be grounds for the Commission to revoke current permits and to deny future applications for authorization. The Marine Turtle Holding Facility Quarterly Report (FWC Form ST Effective 4/02) is hereby incorporated by reference.

(a) Marine turtles shall not be held for rehabilitation in conditions detrimental to the turtle; this includes public display if determined to be detrimental to the animal.

(b) Limited educational displays of marine turtles of a threatened species may be authorized.

(c) Endangered marine turtles may be held on display in the event that they have been deemed non-releasable as a result of injuries that would preclude their ability to survive in the

natural habitat; are of an unknown or non-Florida origin; or were acquired prior to the enactment of the Federal Endangered Species Act of 1973 (16 U.S.C. § 1531 *et. seq.*).

(13) All facilities or individuals involved in the rehabilitation of marine turtles shall obtain and maintain a current authorization for euthanasia of threatened and endangered marine turtles from the U.S. Fish and Wildlife Service.

(14) A marine turtle permit, loan agreement, or letter of consent issued by the Commission must be in the possession of the named Principal Permit Holder(s) or volunteer at all times during conduct of authorized activities.

(15) Commission guidelines related to nesting surveys, nest relocation, release, and other management or conservation activities shall be distributed as appropriate. On a periodic basis, the Commission may develop new guidelines or update existing ones to reflect prudent conservation and research practices related to the recovery of marine turtle populations.

(a) These guidelines, after having been acknowledged in writing by the Principal Permit Holder, may be included as conditions of the permit.

(b) The failure of the Principal Permit Holder or any individual listed on the permit to follow guidelines of the Commission may be grounds for the Commission to revoke any current permit or to deny future applications for authorization.

(c) The Principal Permit Holder is responsible for transmitting Commission guidelines to all individuals listed on the permit. Failure of the Principal Permit Holder to properly distribute Commission guidelines and to supervise the activities of others listed on the permit shall be grounds for the Commission to revoke current permits and to deny future applications for authorization.

(d) Principal Permit Holders are expected to attend Commission nesting and stranding workshops annually, and volunteers must attend at least once every three years. Participants in the Index Nesting Beach Survey Program are required to attend nesting workshops annually.

(16) Permits for scientific research issued under this Chapter are not valid in state, federal, or local parks, monuments, sanctuaries or preserves without additional permits or concurrence from the appropriate management unit.

(17) All permits shall expire at the end of the calendar year from the date of issuance, or at the end of the permitted project, whichever event occurs first.

(18) Permits are non-transferable and shall be issued to a single applicant acting as the Principal Permit Holder.

(19) Each Permit may include up to twenty-four volunteers that conduct marine turtle conservation work under the supervision of the Principal Permit Holder.

(20) The Principal Permit Holder may request to include additional volunteers under a letter of authorization, provided these volunteers are not directly involved in data collection or

in direct contact with a marine turtle, nest, or hatchlings unless specifically approved by Commission staff. The request must list each additional volunteer, specify the activity in which they will participate, and describe the training provided for that activity.

(21) For major activities, the permit will be issued to include all authorized personnel, each of which must be named on the permit prior to field work. The Principal Permit Holder and other individuals listed on the permit shall have the permit or a copy thereof upon their person while conducting work with marine turtles, their nests, or hatchlings.

(22) Renewal of existing Marine Turtle Permits shall occur as follows:

(a) Commission staff shall provide a reminder to each Principal Permit Holder each fall.

(b) All renewal requests, required forms, and required reports shall be submitted to the Commission Tequesta office approximately two months prior to the expiration of the existing permit.

(c) Permit renewals shall be based upon satisfactory compliance with the conditions of the existing permit, receipt of all reports for authorized activities, compliance with the Marine Turtle Permit Holder Guidelines for authorized activities, the need for a specific activity, and timely response to Commission staff upon request for information related to authorized activities.

Specific Authority 370.10(2), 370.12(1) FS., Law Implemented 370.10(2), 370.12(1) FS. History—New 2-11-81, Amended 8-6-81, Formerly 16B-40.04, 16B-40004, 62R-1.004, Amended 7-1-04, _____.

68E-1.0041 Authorizations for Marine Turtle Research, Conservation, and Educational Activities.

(1) Activities that require a permit include, but are not limited to, any actions associated with a living or stranded marine turtle, its nest, or hatchlings such as:

- (a) Any research or conservation activities; or
- (b) Any educational activities, including, but not limited to, educational displays or public awareness walks.

(c) Hatcheries shall not be approved unless authorized in an incidental take authorization from the U.S. Fish and Wildlife Service.

(2) Activities that may be authorized by a loan agreement include, but are not limited to, any activities involving use of any dead marine turtle or parts thereof.

(3) Activities that may be authorized by a letter of consent include, but are not limited to:

- (a) Transfer of marine turtles, or parts thereof, to or from permit holders into or out of the state of Florida;
- (b) Limited consumptive use of marine turtle parts for research;

(c) One-time events or minor activities that are not of a sufficient magnitude to require a permit or a modification to an existing permit;

(d) Actions undertaken in response to an emergency officially designated by the appropriate officials of the state of Florida; or,

(e) Actions that are a result of collaboration with Commission staff, such as directed research or management activities.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2), 370.12(1) FS. History—New _____.

(Substantial rewording of Rule 68E-1.005 follows. See Florida Administrative Code for present text.)

68E-1.005 Suspensions and Revocation.

(1) Non-compliance with permits issued under the provisions of this Chapter is subject to the following actions:

(a) Failure to fulfill reporting requirements or respond to other information requests shall constitute a minor violation of this rule. Such a violation shall cause the Commission to issue a notice of noncompliance to the permittee, and issuance of subsequent year permits shall not proceed until the permittee fulfills all such requirements.

(b) Permittee shall be subject to permit suspension or revocation by the Commission if it finds that the permit holder has violated this Chapter, Chapter 370, F.S., Titles 68 or 46, F.A.C., state or federal wildlife protection acts or codes, submitted false information in the application, has deviated significantly from the approved activity, or has violated conditions under which the permit was originally issued.

(2) Permits issued under this Chapter are subject to the provisions of Rule 68A-5.004, F.A.C.

Specific Authority 370.10(2), 370.12(1) FS. Law Implemented 370.10(2), 370.12(1) FS. New 2-11-81, Formerly 16B-40.05, 16B-40.005, 62R-1.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Breault, Director, Division of Habitat and Species Conservation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006