

PLACE: Room 142, 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 days before the workshop/meeting by contacting: Kerry Krantz, Life and Health Finance Oversight, Office of Insurance Regulation, E-mail Kerry.Krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Finance Oversight, Office of Insurance Regulation, E-mail Kerry.Krantz@fldfs.com

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-138.001
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: To adopt the 2007 NAIC Financial Condition Examiners Handbook as permitted by Section 624.316, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Update NAIC Handbook.

SPECIFIC AUTHORITY: 624.308(1), 624.316(1)(c) FS.

LAW IMPLEMENTED: 624.316(1)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 23, 2007, 9:30 a.m.

PLACE: Room 142, 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 days before the workshop/meeting by contacting: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com

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

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NOS.:	RULE TITLES:
5C-24.001	Definitions
5C-24.002	General Requirements
5C-24.003	Official Certificate of Veterinary Inspection (OCVI)

PURPOSE AND EFFECT: The purpose and effect of this rule is to update references to the current code of federal regulations referenced in current rules, to revise the definition of official certificate of veterinary inspection (OCVI) to be consistent with Florida Statutes, to delete unnecessary language in current rules, and to clarify the OCVI required for the intrastate sale of dogs and cats in Florida. This rule also corrects an erroneous form number contained in the current rules.

SUMMARY: Revises definitions relating to veterinarians and livestock to reference to the most current versions of the code of federal regulations. This rule deletes obsolete language relating to general requirements for the Department to provide certain forms, and this rule revises language to clarify the OCVI that is required to transfer the ownership of a dog or cat by sale within Florida.

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

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

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 585.08, 585.145 FS.

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

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 3 days before the workshop/meeting by contacting: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0957. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0957

THE FULL TEXT OF THE PROPOSED RULE IS:

5C-24.001 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the Deputy Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service, to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of 9 CFR 160-162 (2006 1998).

(2) Cattle. Cattle shall include any bull, steer, ox, cow, heifer, calf, or any other bovine animal.

(3) Department. The Florida Department of Agriculture and Consumer Services.

(4) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(5) Domestic Animal. Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of the state.

(6) Domesticated Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(7) Horses. Any horse, mule, ass, zebra or other Equidae.

(8) Licensed Veterinarian. Any veterinarian who has a current license with the Florida Board of Veterinary Medicine.

(9) Livestock. Any grazing animals, such as cattle, horses (equidae), sheep, swine, goats, cervidae and other hoofed animals and ratites which are raised for private use or commercial purposes.

(10) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery disseminated diseases and for improvement of poultry and poultry products as provided in 9 CFR 145 and 147 (2007 1998).

(11) Official Certificate of Veterinary Inspection (OCVI). Official certificate of veterinary inspection means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture. An official form provided by the Division to licensed and accredited veterinarian for the purpose of certifying the identification, test

~~requirements, and health of specific animals for movement, exhibition, and other designated purposes for the species of animal.~~

(12) Ratites. Ostriches, emus, and rheas.

(13) Materials: Title 9 CFR 161-162 (2006), 145, and 147 (2007 1998) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(2)(a), 585.145(1), (2), 828.29(3) FS. History—New 7-13-99, Amended.

5C-24.002 General Requirements.

(1) Forms Provided. The Division of Animal Industry, Department of Agriculture and Consumer Services will provide forms when required by statute or rule for certification of identification, required tests, and health as required for movement, exhibition, and other designated purposes for the species of animal.

~~(2) Request for Forms. The OCVI will be provided to licensed and accredited veterinarians only, unless otherwise provided in this rule. The forms may be obtained by written request to the Florida Department of Agriculture and Consumer Services, Health Form Request, Post Office Box 6710, Tallahassee, Florida 32314-6710. The form number and name, and the quantity of forms must be included in the written request.~~

(2)(3) Fees for Forms. A fee will be charged for the forms as provided in the specific section of this rule. The fee must be submitted with the request for forms, as a check or money order made payable to the Florida Department of Agriculture and Consumer Services.

(3)(4) Deposit of Fees. The fees collected shall be deposited in the Department's General Inspection Trust Fund.

Specific Authority 585.002(4), (5) FS. Law Implemented ch. 94-339, Laws of Florida., 585.002(5), 828.29(3)(b) FS. History—New 7-13-99, Amended.

5C-24.003 Official Certificate of Veterinary Inspection (OCVI).

(1) Horses.

(a) OCVI. The OCVI for horses is the Official Equine Certificate of Veterinary Inspection, DACS-09002 (SN 6001) (10/9705).

(b) The fee for the OCVI, DACS-09002 (SN 6001) (10/9705) is \$65 per book of 25.

(2) Livestock.

(a) The OCVI for cattle, goats, sheep, swine, cervidae, ratites, and other hoofed animals, excluding horses, is the Official Certificate of Veterinary Inspection, DACS-090040 (SN 6000) (407/9803).

(b) The fee for the OCVI, DACS_09004 (SN 6000) (~~407/9803~~) is \$65 per book of 25.

(3) Domesticated Fowl.

(a) OCVI. The OCVI for domesticated fowl originating from other than NPIP participating flocks, hatcheries or dealers is the Official Certificate of Veterinary Inspection, DACS_09004 (SN 6000) (~~407/9803~~).

1. The OCVI, DACS_09004 (SN 6000) (~~407/9803~~) will be provided to licensed and accredited veterinarians.

2. The fee for the OCVI, DACS_09004 (SN 6000) (~~407/9803~~) is \$65 per book of 25.

(b) NPIP Participating Flocks, Hatcheries, and Dealers. The certification of health status for interstate shipment of flocks, hatcheries, and dealers participating in the NPIP is the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (~~806/958~~).

1. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (~~806/958~~) will be certified by a Division representative and provided to an NPIP participating flock, hatchery, or dealer.

2. The certification and processing fee for the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (~~806/958~~) is \$50 for 25 certified forms.

(c) Official Health Certificate Avian, DACS_09023 (~~809/9506~~). The Official Health Certificate Avian, DACS_09023 (~~809/9506~~) is the OCVI for NPIP participating flocks, hatcheries, and dealers which are required by the country or state of destination to provide an OCVI in addition to the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (~~806/958~~).

1. The Official Health Certificate Avian, DACS_09023 (~~809/9506~~) is certified by a Division veterinarian and is provided to the NPIP participating flock, hatchery or dealer.

2. The fee for the Official Health Certificate Avian, DACS_09023 (~~809/9506~~) is \$100 per 100 certificates.

3. Special Certifications. The fee for individual OCVI including, but not limited to, certificates requiring individual identification numbers of domesticated fowl, vaccination status, or the Florida Department of Agriculture seal, is \$30 for each certificate.

(4) Dogs, Cats and Other Non-Livestock Species.

(a) OCVI for Interstate Movement. The OCVI for dogs, cats and other non-livestock species, including but not limited to zoo animals and domesticated non-native wildlife, is Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species, DACS_09086 (SN 6002) (~~404/9806~~).

(b) OCVI for Sale of Dog or Cat. The OCVI required to transfer the ownership of a dog or cat by sale within Florida is the Official Certificate of Veterinary Inspection for Intrastate Sale of Dog or Cat, DACS-09085 (SN6003) (07/07). DACS-09086 (SN 6003) (10/97) must accompany any dog or cat sold, or offered for sale, in the state of Florida.

(c) The fee for the OCVI, DACS_09086 (SN 6003) (~~404/9706~~) or DACS_09085 (SN 6002) (~~407/9807~~) is \$65 per package of 25.

(5) Forms. The Official Equine Certificate of Veterinary Inspection, DACS_09002 (SN 6001) (~~10/9705~~); the Official Certificate of Veterinary Inspection, DACS_09004 (SN 6000) (~~407/9803~~); the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-Livestock Species, ~~DACS_09085 (SN 6002) (1/98); the Official Certificate of Veterinary Inspection for Sale of Dog or Cat, DACS-09086 (SN 6002) (404/9706); and the Official Health Certificate Avian, DACS_09023 (809/9506)~~ are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (~~806/958~~) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 585.002(4), (5), 585.08(2)(a), 585.145(2), 585.15 FS. Law Implemented 585.002(5), 585.08(1), (2), 585.145(1), (2), (3), 585.155, 828.29 FS. History—New 7-13-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas Holt, Director, Division of Animal Industry, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Terry Rhodes, Chief of Staff, Florida Department of Agriculture and Consumer Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: 5C-27.001
RULE TITLE: Dogs or Cats

PURPOSE AND EFFECT: The purpose and effect of this rule is to adopt a form for the Official Certificate of Veterinary Inspection (OCVI) required by Section 828.29, F.S., which is required to be provided by the Florida Department of Agriculture and Consumer Services.

SUMMARY: Section 828.29, F.S., mandates that an OCVI must be executed in connection with each dog or cat offered for sale in Florida. This statute sets forth the specific requirements and information for the examining veterinarian that must be included in the OCVI. This statute further provides that the Florida Department of Agriculture and Consumer Services shall supply the official intrastate

certificate of veterinarian inspection form. This rule is being promulgated to adopt the OCVI as a form that the Department is required to supply.

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

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

SPECIFIC AUTHORITY: 570.07(23) FS.

LAW IMPLEMENTED: 828.29 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: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0957

THE FULL TEXT OF THE PROPOSED RULE IS:

5C-27.001 Dogs or Cats.

For purposes of Section 828.29, F.S., the veterinarian who executes an official intrastate certificate of veterinary inspection shall utilize form DACS-09085, Official Certificate of Veterinary Inspection For Intrastate Sale Of Dog Or Cat, Rev. 07/07, hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800.

Specific Authority 570.07 (23) FS. Law Implemented 828.29 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900; Fax: (850)410-0915

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas Holt, Director, Division of Animal Industry, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Terry Rhodes, Chief of Staff, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: 5C-28.001
 RULE TITLE: Dog and Cats – Intrastate Transfer of Ownership

PURPOSE AND EFFECT: The purpose and effect of this rule is to adopt the requirements necessary to transfer the ownership of a dog or cat by sale within Florida.

SUMMARY: Section 585.145(2), Florida Statutes, provides that the Department shall specify by rule the health tests, official certificates of veterinary inspection, or other certificates and documents that must first be obtained prior to the owner, broker, or transferor transferring ownership of an animal by sale. This rule is being promulgated to adopt the specific official certificate of veterinary inspection (OCVI) that must be obtained before ownership of a dog or cat can be transferred by sale within Florida. This rule further provides that the original OCVI shall be provided to the person to whom ownership is transferred.

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

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

SPECIFIC AUTHORITY: 585.002(4) FS.

LAW IMPLEMENTED: 585.145(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: Dr. William Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; phone (850)410-0900; FAX: (850)410-0957

THE FULL TEXT OF THE PROPOSED RULE IS:

5C-28.001 Dog and Cats – Intrastate Transfer of Ownership.

(1) Prior to the transfer of ownership by sale of a dog or cat within this state, the owner, broker or transferor of the dog or cat shall first obtain an official certificate of veterinary inspection which meets the requirements of Section 828.29, F.S., and utilizes the form DACS-09085, Official Certificate of Veterinary Inspection For Intrastate Sale Of Dog Or Cat, adopted in Rule 5C-27.001, F.A.C.

(2) As evidence of compliance with subsection (1) of this rule, the original of DACS-09085, Official Certificate of Veterinary Inspection For Intrastate Sale Of Dog Or Cat, shall be provided to the owner or agent to whom ownership is being transferred.

(3) County-operated or city-operated animal control agencies and registered nonprofit humane organizations are exempt from this rule.

Specific Authority 585.002(4) FS. Law Implemented 585.145(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900; Fax: (850)410-0915

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Department of Agriculture and Consumer Services, Room 330, 407 S. Calhoun Street, Tallahassee, FL 32399-0800; Phone: (850)410-0900; FAX: (850)410-0915

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Terry Rhodes, Chief of Staff, Florida Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003 RULE TITLE: Shellfish Harvesting Area Standards
 PURPOSE AND EFFECT: This amendment proposes to reclassify the shellfish harvesting area #06 Choctawhatchee Bay. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the Choctawhatchee Bay shellfish harvesting area.

SUMMARY: The proposed reclassification of the Choctawhatchee Bay shellfish harvesting area will decrease the size of the conditionally approved Central Section area by 2,426 acres, from 38,035 acres to 35,609 acres, decrease the size of the conditionally approved Eastern Section area by 216 acres, from 14,037 acres to 13,821 acres, and increase the size of the prohibited area by 4,049 acres, from 20,909 acres to 24,958 acres. The current management of the Choctawhatchee Bay shellfish harvesting area is based on local rainfall and river discharge. Proposed management of the Choctawhatchee Bay shellfish harvesting area is based on local rainfall or river stage. The average closure frequency of Choctawhatchee Bay Conditionally Approved Central or Eastern is not expected to

increase or decrease. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Choctawhatchee Bay shellfish harvesting area.

This amendment places descriptions, references to shellfish harvesting area map numbers and operating criteria for the Choctawhatchee Bay shellfish harvesting area #06 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These documents are hereby incorporated in subsection 5L-1.003(1), F.A.C. Additionally, this amendment provides illustrations of the Choctawhatchee Bay shellfish harvesting area classification boundaries in the shellfish harvesting area map #06. This map is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

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

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

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: August 6, 2007, 5:00 p.m. – 6:00 p.m.

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, at (850)488-4033. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the

document Shellfish Harvesting Area Classification Maps, revised _____ ~~March 11, 2007~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised _____ ~~March 11, 2007~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History--New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04, 9-28-04, 9-5-05, 6-11-06, 3-11-07, _____.

AREA

NUMBER HARVEST AREA NAME

0212	Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul – Sep
0222	Pensacola Bay Conditionally Approved Escambia Bay
0232	Pensacola Bay Conditionally Approved East Bay
0216	Pensacola Bay Conditionally Restricted Escambia Bay
0226	Pensacola Bay Conditionally Restricted East Bay
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov
0812	West Bay Conditionally Approved Winter Dec – Mar
0822	West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1006	North Bay Conditionally Restricted Eastern
1206	East Bay Conditionally Restricted
1212	East Bay Conditionally Approved Section 1
1222	East Bay Conditionally Approved Section 2
1401	St. Joe Bay Approved
1506	Indian Lagoon Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Spring/Fall Mar – Jun, Oct

1542	Indian Lagoon Conditionally Approved Zone A Winter Nov – Feb
1552	Indian Lagoon Conditionally Approved Zone B Winter Nov – Feb
1572	Indian Lagoon Conditionally Approved Summer Jul – Sep
1611	Apalachicola Bay Approved Winter Jan – May, Sept – Dec
1621	Apalachicola Bay Approved Summer June – Aug
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer June – Aug
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – May, Sept – Dec
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – May, Sept – Dec
1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – May, Sept – Dec
1642	Apalachicola Bay Conditionally Approved East Winter Jan – May, Sept – Dec or Apalachicola Bay Approved East Hole Summer June – Aug
1652	Apalachicola Bay Conditionally Approved North Summer June – Aug
1662	Apalachicola Bay Conditionally Approved South Summer June – Aug
1606	Apalachicola Bay Conditionally Restricted
1802	Alligator Harbor Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved
2006	Ochlockonee Bay Conditionally Restricted
2206	Wakulla County Conditionally Restricted
2212	Wakulla County Conditionally Approved Zone 1 Winter
2222	Wakulla County Conditionally Approved Zone 2 Winter
2232	Wakulla County Conditionally Approved Zone 1 Spring
2242	Wakulla County Conditionally Approved Zone 2 Spring
2501	Horseshoe Beach Approved Summer Apr – Sep
2502	Horseshoe Beach Conditionally Approved Winter Oct – Mar
2506	Horseshoe Beach Conditionally Restricted Winter Oct – Mar
2802	Suwannee Sound Conditionally Approved Spring Summer Feb – May and Sept or Suwannee Sound Conditionally Approved Winter Oct-Jan
2806	Suwannee Sound Conditionally Restricted Spring Summer Feb – May and Sept or Suwannee Sound Conditionally Restricted Winter Oct – Jan
3012	Cedar Key Conditionally Approved Zone A

- 3022 Cedar Key Conditionally Approved Zone B
- 3006 Cedar Key Conditionally Restricted
- 3202 Waccasassa Bay Conditionally Approved
- 3206 Waccasassa Bay Conditionally Restricted
- 3402 Withlacoochee Bay Conditionally Approved
- 3406 Withlacoochee Bay Conditionally Restricted
- 3702 Citrus County Conditionally Approved
- 3706 Citrus County Conditionally Restricted
- 4202 Boca Ciega Bay Conditionally Approved
- 4802 Lower Tampa Bay Conditionally Approved
- 5402 Sarasota Bay Conditionally Approved
- 5602 Lemon Bay Conditionally Approved
- 5802 Gasparilla Sound Conditionally Approved
- 6002 Myakka River Conditionally Approved
- 6006 Myakka River Conditionally Restricted
- 6212 Pine Island Sound Conditionally Approved Western Section
- 6222 Pine Island Sound Conditionally Approved Eastern Section
- 6602 Ten Thousand Islands Conditionally Approved
- 7001 Indian River/St. Lucie Approved
- 7006 Indian River/St. Lucie Restricted
- 7202 North Indian River Conditionally Approved
- 7206 North Indian River Conditionally Restricted
- 7412 Body F Conditionally Approved
- 7416 Body F Conditionally Restricted
- 7506 Body E Conditionally Restricted
- 7602 Body D Conditionally Approved
- 7606 Body D Conditionally Restricted
- 7712 Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
- 7722 Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
- 7732 Body C Conditionally Approved Winter Dec – Feb
- 7716 Body C Conditionally Restricted Winter Dec – Feb
- 7726 Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
- 7802 Body B Conditionally Approved
- 7902 South Banana River Conditionally Approved
- 7906 South Banana River Conditionally Restricted
- 8001 Body A Approved
- 8005 Body A Restricted
- 8201 South Volusia Approved
- 8212 South Volusia Conditionally Approved Zone 1
- 8222 South Volusia Conditionally Approved Zone 2
- 8206 South Volusia Conditionally Restricted

- 8802 St. Johns South Conditionally Approved
- 8806 St. Johns South Conditionally Restricted
- 9202 St. Johns North Conditionally Approved
- 9206 St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION MAPS, BOUNDARIES AND
MANAGEMENT PLANS

Revised ~~March 11, 2007~~ _____

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	March 11, 2007
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	September 28, 2004
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	September 28, 2004
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	June 11, 2006
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	September 28, 2004
Indian Lagoon	15	15A, 15B	September 5, 2005
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	September 28, 2004
Myakka River	60	60	October 28, 1998
North Bay	10	10	August 17, 2004
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	March 11, 2007
Ochlockonee Bay	20	20	August 17, 2004
Pensacola Bay	02	02	August 17, 2004
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	September 28, 2004
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28 A, 28 B	March 11, 2007
Ten Thousand Islands	66	66	September 28, 2004
Waccasassa Bay	32	32	September 28, 2004
Wakulla County	22	22A, 22B	August 17, 2004
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	September 28, 2004

NAME OF PERSON ORIGINATING PROPOSED RULE: Chris Brooks
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.036
RULE TITLE: Design and Construction of Plant
PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Safety Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the proposed amendments, in addition to incumbent local exchange carriers, also affect shared tenant service companies, alternative access vendor service companies and competitive local exchange companies. Docket No. 070303-TP
SUMMARY: Rule 25-4.036, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Safety Code. The proposed amendments would update the rule to reflect the 2007 edition of the Code.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.
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: 350.127(2) FS.
LAW IMPLEMENTED: 364.01(4), 364.03, 364.15 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: Kira Scott, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-~~2002~~ 2007) and the National Electrical Code (NFPA 70-2005), which is incorporated herein by reference, pertaining to the construction of telecommunications facilities.

(2) Compliance with these codes and accepted good practice is necessary to insure as far as reasonably possible continuity of service, uniformity in the quality of service furnished and the safety of persons and property.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15 FS. History-Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, 12-29-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Vickery
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 11, March 16, 2007

PUBLIC SERVICE COMMISSION

RULE NO.: 25-24.515
RULE TITLE: Pay Telephone Service
PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Safety Code. Docket No. 070303-TP.
SUMMARY: Rule 25-24.515, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Safety Code. The proposed amendments would update the rule to reflect the 2007 edition of the Code.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.
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: 350.127(2) FS.
LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345, 364.15 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: Kira Scott, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002 2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345, 364.15 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Vickery

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 33, No. 11, March 16, 2007

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.019
RULE TITLE: Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-236, Inmate Request, to include a check box for requests to Mental Health.

SUMMARY: Form DC6-236, Inmate Request, is modified to include a check box for requests to Mental Health.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) No change.

(2) Form DC6-236, Inmate Request, effective ~~8-1-00~~.

(3) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, 12-17-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Trisha Redd, Bureau Chief, Bureau of Policy Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: General Environmental Resource Permits are issued by District staff, pursuant to authority delegated by the Governing Board. When a General Environmental Resource Permit involves activities on sovereign submerged lands a proprietary authorization is also required. District staff is authorized to issue the proprietary authorization except in certain cases prescribed by rule. One exception is for projects determined to be of heightened public concern according to subsection 18-21.005(4), F.A.C. A determination of heightened public concern is based on a project's potential effect on the environment or a project's controversial nature. When an application has been determined to be of heightened public concern, the decision to issue the proprietary authorization must be made by the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). The proposed rule amendment revises Rule 40D-1.600, F.A.C., to state that a General Environmental

Resource Permit with an associated proprietary authorization that is of heightened public concern must be approved by the Governing Board. This revision will allow the Governing Board an opportunity to gain an awareness of these projects and to provide staff with comment and direction prior to appearing before the Board of Trustees.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(2) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: Water well contractors are licensed by the Department of Environmental Protection and the water management districts. Water well contractors are required to renew their licenses every two years. License renewals occur during June/July of every odd-numbered year. As part of the District's new Water Management Information System (WMIS) initiative, all future applications for water well contractor licenses and renewal of licenses will be accessible to the public through WMIS. For this reason, changes to the existing license renewal form are necessary to remove certain information (driver's license number and date of birth) that should remain private. The well contractor license renewal form is further revised to include a certification of responsibility when acting as an agent for a property owner, thereby eliminating the need for a separate certification form. subsection 40D-1.659(2), F.A.C., is amended to reflect the date of adoption of the revised form.

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

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

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

IF REQUESTED 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

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

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

- (1) through (14) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: Business entities such as corporations and partnerships are frequently applicants for Environmental Resource Permits (ERPs). Compliance difficulties can arise with permits issued to business entities if the permittee is not accurately identified. For example, a permit issued to an entity that is not properly incorporated, or in an incorrect name, may

not be enforceable. The revisions to the ERP Application, Form 542.27/ERP (2/05), request information on applicants who are corporations, partnerships or trusts. The requested information will ensure that ERPs are issued to legal entities, in the correct name. The amendment of Rule 40D-1.659, F.A.C., incorporates the revised form.

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

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

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

- (1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

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

FORM 547.27 ERP (____2/05)

- (2) through (14) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: The proposed exemptions from ERP requirements are limited to certain specified safety-related roadway projects; provided such projects do not reduce the capacity of the existing surface water management system, are not located within wetlands or other surface waters and include best management practices for erosion and sedimentation control. The activities to be exempt are: sidewalks six feet or less in width constructed along roadways and which do not obstruct or impound surface waters; turnlanes less than 0.25 mile in length and other intersection improvements; road widening and shoulder paving projects which do not create additional traffic lanes; and recreational paths for nonmotorized vehicles located along roadways and limited to eight feet in width for unidirectional paths or 12 feet in width for bidirectional paths. Amendment of Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR) Section 5.8 is also proposed to delete language that will be rendered unnecessary upon adoption of the proposed exemptions. Rule 40D-4.091, F.A.C., is amended to reference the adoption date of the proposed changes in the BOR and to correct the title of the document.

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

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.406, 373.413, 373.414, 373.414(9), 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (11) No change.

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

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

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

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

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

~~(14)~~(12) The performance of activities pursuant to the provisions of the exemptions described above does not relieve the person or persons who are using the exemption or who are

constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules.

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

40D-4.091 Publications and Agreements Incorporated by Reference.

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

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

(2) through (5) No change.

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: The UMAM has been adopted statewide as the methodology for calculating mitigation requirements for projects which must offset adverse impacts to wetlands and other surface waters. The proposed amendments to the District's Environmental Resource Permitting Information Manual Part B, Basis of Review (BOR) Section 3.3.2 will reference the adopted UMAM rule and clarify that for those projects for which UMAM is not applicable, existing District rules for calculating mitigation requirements will continue to be applicable. The proposed amendment to Rule 40D-4.091, F.A.C., will reflect the date that the revision to the BOR is adopted and correct the title of the document.

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

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

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

IF REQUESTED 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

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

(2) through (5) No change.

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

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

3.3.2 Mitigation Ratio Guidelines

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

(b) Subsections 3.3.2 through 3.3.2.2 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities and are applicable as provided in Rule 62-345, F.A.C. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the areas adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can ensure that the values of the preserved area are protected and maintained in the regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 3.3.2.1 and 3.3.2.2. For example, in instances

where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: In 2000 the District and the FDACS entered into an Agreement to facilitate the resolution of disputed claims under Section 373.406(2), F.S. In 2006, the Florida Legislature created Section 373.407, F.S., that requires FDACS and all the water management districts to enter into an agreement under which FDACS will conduct a nonbinding review of any existing or proposed activity to assist in a determination as to whether the activity qualifies for the exemption under Section 373.406(2), F.S. During the latter part of 2006 the five water management districts and FDACS negotiated an agreement that all parties agree complies with the requirements of Section 373.407, F.S. This new agreement will replace this District's existing agreement with FDACS, currently adopted by rule in Rule 40D-4.091, F.A.C. The proposed rule amendment repeals adoption of the 2000 agreement.

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

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

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

IF REQUESTED 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: Carrie N. Felice, Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

(1) through (3) No change.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Carrie N. Felice, Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: ERP rules currently allow permittees seeking certain minor modifications to their permits to apply by letter, provided the proposed modification does not: 1) substantially alter the permit authorization; 2) increase the authorized offsite discharge; 3) impact the environmental features of the project; 4) decrease the required retention/detention; 5) decrease the required flood control elevations for roads or buildings; 6) decrease pollution removal efficiency; or 7) renew or extend the permit duration. Letter modifications are processed without an application fee. Permittees seeking to extend their permit duration must submit a formal modification application and fee, and a determination must be made that any completed construction is in compliance with the current permit. The proposed rule amendments will allow applications to extend the duration of an ERP to be made by letter, and eliminate the requirement for a determination of construction compliance with the current permit. Rule amendments also eliminate use of the term “renewal” in favor of the term “extension” to avoid confusion.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.331 Modification of Permits.

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

(1) No change.

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

- (a) No change.
- (b) By letter, provided the requested modification does not:

- 1. through 4. No change.
- 5. Decrease the required flood control elevations for roads or buildings, or

- 6. Decrease pollution removal efficiency.
- 7. ~~Renew or extend the existing permit duration.~~

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

- (a) through (b) No change.
- (c) For any ~~renewal~~ or extension of a current permit, or
- (d) No change.

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-400.443	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation
40D-400.447	General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: The purpose of the proposed amendments is to clarify when noticed general Environmental Resource Permits (ERPs) can be issued to state and local government agencies for minor activities associated with road bridges and for minor activities conducted within existing roadway rights-of-way or easements. The amendments make the rules more consistent with similar rules adopted by the Florida Department of Environmental Protection and other water management districts.

SUMMARY: Amendments are proposed to clarify what activities involving replacement, modification or maintenance of roadway bridges are appropriate for a noticed general permit. Rule 40D-400.443, F.A.C., is amended to provide that bridge replacements or modifications that involve changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques or upgrades to meet current construction codes or safety standards will be authorized as noticed general permits. Rule 40D-400.447, F.A.C., amendments clarify that, for projects involving the extension of culverted crossings to accommodate roadway widening, the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acre at any one culverted crossing.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
LAW IMPLEMENTED: 373.413, 373.416, 373.426 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

(b) No change.

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

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

(e) through (k) No change.

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

general or individual permit under chapter 40D-4 or 40D-40, or 40D-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

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

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

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

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

(b) through (f) No change.

(2) through (3) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A, Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-35.001	Scope and Purpose
60L-35.002	Definitions
60L-35.003	Minimum Requirements
60L-35.004	Career Service
60L-35.005	Selected Exempt Service
60L-35.006	Senior Management Service

PURPOSE AND EFFECT: To establish minimum requirements and procedures for evaluating the performance of Career Service, Selected Exempt Service and Senior Management Service employees pursuant to Sections 110.224, 110.403 and 110.603, Florida Statutes.

SUMMARY: The rules outline the policies and procedures for employing agencies to use when assessing the performance of employees in the Career Service, Selected Exempt Service and Senior Management Service.

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

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

SPECIFIC AUTHORITY: 110.1055, 110.224(3), 110.403(1), 110.605(3) FS.

LAW IMPLEMENTED: 110.1055, 110.224, 110.403(1)(b), 110.605(1)(b) FS.

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

DATE AND TIME: Tuesday, July 31, 2007, 10:00 a.m.

PLACE: Department of Management Services, Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: see below. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kimberly Kemp, Human Resource Consultant, Division of Human Resource Management, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-35.001 Scope and Purpose.

This chapter sets forth the rules governing the Performance Management System, which is the basis for reviewing and evaluating the job performance of employees in the state's Career Service, Selected Exempt Service, and Senior Management Service. The Performance Management System enables employees to receive feedback concerning performance of assigned duties and responsibilities. It informs them of their strengths and areas of needed improvement in job performance, identifies current and future training needs, and

provides documentation for awarding discretionary merit increases, and lump sum bonuses in accordance with Section 110.1245(2), Florida Statutes.

Specific Authority 110.1055, 110.224(3), 110.403, 110.605 FS. Law Implemented 110.1245(2)(b)5., 110.224 FS. History--New _____.

60L-35.002 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) Agency Designated Evaluation Date – The date selected by an agency which begins the 60-day period within which all annual evaluations shall be conducted.

(2) Evaluation Period – The period of time covered by the performance plan, not to exceed one year.

(3) Overall Rating – The average of the individual ratings for each performance expectation reviewed that shall indicate the employee's level of performance for the evaluation period. In calculating this average, all digits four or more places to the right of the decimal shall be dropped.

(4) Performance Evaluation – An oral and written assessment of an employee's performance of assigned duties and responsibilities as reflected in the employee's performance expectations and documented on a performance evaluation form.

(5) Performance Expectation – A statement that describes satisfactory performance of a specific duty or responsibility as listed in the position description and the core missions of the agency.

(6) Performance Plan – An oral and written notification prepared by the rater in conjunction with the employee that identifies the performance expectations by which the employee will be evaluated at the end of the designated evaluation period.

(7) Rater – The employee's current immediate supervisor or a designated managerial employee who has knowledge of the employee's duties, responsibilities and job performance.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b)5., 110.224 FS. History--New _____.

60L-35.003 Minimum Requirements.

(1) The rater shall conduct a performance planning session with the employee to identify the performance expectations by which an employee shall be evaluated and to review the performance expectations and rating scale. The rater shall also provide an opportunity for employee feedback regarding what is expected in the position. A performance plan shall be signed by the rater and the employee, indicating that the performance expectations have been discussed. A copy of the signed performance plan shall be made available to the employee. In the event an employee refuses to sign the performance plan, the rater shall make a signed and dated notation on the plan that the employee refused to sign.

(2) The rater shall manage performance by:

(a) Conducting written and oral performance evaluations of his/her employees at least annually. Such evaluations must be completed within sixty (60) calendar days following the agency designated evaluation date

(b) Providing employees with coaching and meaningful feedback regarding job performance throughout the evaluation period.

(c) Informing the employee orally and in writing, of performance deficiencies or areas where improvement is needed.

(3) At a minimum, a written performance evaluation shall include:

(a) A rating of the employee’s job performance during the evaluation period for each performance expectation identified in the performance plan. The performance expectations shall be measured using the following scale:

PERFORMANCE MANAGEMENT SYSTEM RATING SCALE

RATING	numeric scale	definition and examples
Exceptional	5	Employee consistently exceeds the performance expectation(s) of the position. For example: The employee requires little or no supervision from management in accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses highly advanced job knowledge. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.
Above Expectations	4	Employee consistently meets and often exceeds the performance expectation(s) of the position. For example: The employee requires minimal supervision from management in accomplishing his/her tasks. The employee possesses a thorough knowledge of the job, and often solves or assists in solving complex problems.
Meets Expectations	3	Employee consistently meets and may occasionally exceed the performance expectation(s) of the position. For example: The employee requires moderate supervision from management in accomplishing his/her tasks. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.
Below Expectations	2	Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation(s) of the position. For example: At times the employee requires close supervision where he/she should be operating on his/her own. The employee sometimes lacks the initiative, and/or job knowledge to execute his/her duties and responsibilities.

Unacceptable	1	Employee consistently fails to meet the designated performance expectation(s). For example: the employee requires close supervision and his/her work requires continual correction. The employee’s job knowledge is insufficient to meet daily requirements.
N	None given	No longer applicable or unable to determine.

(b) Comments relating to the employee’s job performance for each performance expectation rating of “Exceptional” and “Above Expectations”.

(c) Comments relating to the employee’s job performance for each performance expectation rating of “Below Expectations” and “Unacceptable”, as well as prescribed developmental activities and corrective action(s) for areas where improvement is required.

(d) An overall rating of the employee’s job performance during the evaluation period.

(e) At the agency’s discretion, performance plans and evaluations may be reviewed by a higher level authority. Completed performance plans and evaluations shall not be changed by a higher level authority.

(4) Employees with an overall rating of either “Below Expectations” or “Unacceptable” shall be considered to have not met their performance expectations for the position during that evaluation period.

(5) Employees who do not receive a performance evaluation within sixty (60) calendar days following the agency designated evaluation date shall be considered to have met their performance expectations as documented on their performance plan, and will receive a rating of “Meets Expectations” for each performance expectation and for the overall rating.

(6) A description of training and educational opportunities for the employee may be included as part of the performance planning/evaluation process. Training opportunities may include those available under Sections 110.1099 and 110.235, F.S.

(7) The performance evaluation shall be signed by the rater and the employee. The signature of the employee shall indicate only that the employee’s job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the rater’s assessment of his/her performance. The employee may attach written comments to the performance evaluation form in response to the evaluation. In the event an employee refuses to sign the performance evaluation, the rater shall make a signed and dated notation on the evaluation that the employee refused to sign.

(8) A performance evaluation is considered to be complete when it has been discussed with the employee and the employee has signed or refused to sign the evaluation. The evaluation shall then be included in the employee's personnel file, and a copy shall be made available to the employee.

(9) Agencies may develop additional internal performance evaluation policies that comply with this performance management rule. These policies may include:

(a) Provisions for conducting performance evaluations more frequently than designated in the rule.

(b) Instructions regarding when supervisors should take documented corrective action needed to improve an employee's performance level, and when to take further action in accordance with Rule 60L-36.005, F.A.C.

(10) An agency may use forms developed by the Department of Management Services or forms developed by their agency to evaluate and document their employee's performance.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b), 110.224 FS. History--New _____.

60L-35.004 Career Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Career Service employees.

(2) Upon original appointment, promotion, demotion, or reassignment to a position with different job duties or responsibilities, and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(3) Career Service employees in probationary status shall have a performance evaluation completed within thirty (30) calendar days prior to the end of the probationary period provided that, if the probationary period is extended pursuant to agency policy, the extension shall be noted on the evaluation form and the employee shall have another performance evaluation completed within thirty (30) calendar days prior to the end of the extended probationary period.

Specific Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b), 110.224 FS. History--New _____.

60L-35.005 Selected Exempt Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Selected Exempt Service employees covered by collective bargaining agreements.

(a) Upon original appointment and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(b) Agencies may also incorporate any elements that the agency head deems appropriate for evaluating performance in relationship to the requirements of the position filled by the employee, so long as such elements do not conflict with this rule.

(2) Agencies shall develop their own respective performance management system for reviewing and evaluating the performance of all other Selected Exempt Service employees. Such agency performance management system shall incorporate performance expectations that, at a minimum, address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction, if applicable.

(3) An agency head may propose for Department approval an alternative performance management system for Selected Exempt Service employees. Provided, however, that performance plans developed for Selected Exempt Service employees who are covered by a collective bargaining agreement shall incorporate performance expectations that, at a minimum, address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction if applicable.

Specific Authority 110.1055, 110.605 FS. Law Implemented 110.1245(2)(b), 110.605 FS. History--New _____.

60L-35.006 Senior Management Service.

(1) Agencies shall comply with this performance management rule when reviewing and evaluating the performance of Senior Management Service employees.

(a) Upon original appointment and at the beginning of each evaluation period, the rater shall conduct a performance planning session with the employee.

(b) The performance plan of Senior Management Service employees shall incorporate performance expectations that, at a minimum, address the following:

1. The efficiency, productivity and effectiveness of the individual employee; and

2. The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction.

(c) Agencies may also incorporate any elements that the agency head deems appropriate for evaluating performance in relationship to the requirements of the position filled by the employee, so long as such elements do not conflict with this rule.

(2) An agency head may propose for Department approval an alternative performance management system for Senior Management Service employees. Such agency systems shall incorporate, at a minimum, performance expectations that address the following:

(a) The efficiency, productivity and effectiveness of the individual employee; and

(b) The efficiency, productivity and effectiveness of the organizational unit(s) under the employee's direction.

Specific Authority 110.1055, 110.1099(5), 110.201, 110.224(3), 110.403, 110.605 FS. Law Implemented 110.1245(2)(b)5., 110.224, 110.227 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon D. Larson, Director, Human Resource Management, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Faulkenberry, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-21.003
RULE TITLE: Continuing Education – Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated Interior Design Continuing Education Handbook and related forms.

SUMMARY: The updated Interior Design Continuing Education handbook and related forms will be incorporated into the rule.

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

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

SPECIFIC AUTHORITY: 481.215(5) FS.

LAW IMPLEMENTED: 481.215(5) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.003 Continuing Education – Approval of Subjects and Providers.

The approval of continuing education courses and providers is covered in-depth by the Board's publication "Interior Design Continuing Education Handbook Instructions, Applications and General Information for Interior Design Continuing Education Providers and Courses" (2007) (~~1996~~) which is hereby incorporated by reference, effective _____, a copy of which may be obtained by the Board office. The "Interior Design Continuing Education Handbook" contains three forms for use with the handbook. The applicant shall submit the applicable form, (DBPR ID 4002/Revised 6/07), Interior Design Continuing Education Provider and Course Application, (DBPR ID 4002-Part A/Revised 6/07), Interior Design Education Course Evaluation Summary Form, or (DBPR ID 4002 – Part B/Revised 6/07), Provider Course Evaluation Summary Form, which are hereby incorporated by reference, effective _____, copies of which may be obtained by the Board office.

Specific Authority 481.215(5) FS. Law Implemented 481.215(5) FS. History–New 11-29-90, Formerly 21B-21.003, Amended 9-14-93, 6-22-95, 10-8-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-24.002
RULE TITLE: Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated Architecture Continuing Education Handbook and related forms.

SUMMARY: The updated Architecture Continuing Education handbook and related forms will be incorporated into the rule.

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

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

SPECIFIC AUTHORITY: 481.215(5) FS.
 LAW IMPLEMENTED: 481.215(5) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:
 61G1-24.002 Continuing Education Approval of Subjects and Providers.

The approval of continuing education courses and providerships is covered in-depth by the Board's publication "Architecture Continuing Education Handbook Instructions, Applications and General Information for Architecture Continuing Education Providers and Courses & Forms" (2007) (1999) which is hereby incorporated by reference, effective _____, ~~1-11-00~~, a copy of which may be obtained by the Board office. The "Architecture Continuing Education Handbook" contains ~~three~~ ~~four~~ forms for use with the booklet. The applicant shall submit the applicable form, (DBPR AID 4003/Revised 6/07), ~~(BPR/BOAID/AR/CE/APPLICATION/Revised 11/99)~~, Architecture Continuing Education Provider/Course Program Application, (DBPR AID 4003-Part A/Revised 6/07), ~~(BPR/BOAID/AR/CE/COURSE/SUMMARY/Revised 11/99)~~, Architecture Continuing Education Course Evaluation Summary Form, or (DBPR AID 4003 - Part B/Revised 6/07), ~~(BPR/BOAID/AR/CE/PROVIDERS/SUMMARY/Revised 11/99)~~, Provider Course Evaluation Summary Form, (BPR/BOAID/AR/CE/CHECKLIST/Revised 11/99), ~~Checklist for Architecture Continuing Education Provider and Program~~, which are hereby incorporated by reference, effective _____, ~~1-11-00~~, copies of which may be obtained from the Board office.

Specific Authority 481.215(5) FS. Law Implemented 481.215(5) FS. History-New 1-17-96, Amended 10-8-96, 1-11-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board
 RULE NO.: 61G4-15.033
 RULE TITLE: Certification of Marine Specialty Contractors

PURPOSE AND EFFECT: The Board proposes to promulgate the rule in order to create a marine specialty contractor.
 SUMMARY: A marine specialty contractor will be created with the promulgation of the rule.

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

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

SPECIFIC AUTHORITY: 455.213, 489.108, 489.113(6) FS.
 LAW IMPLEMENTED: 489.105(3)(q), 489.113(6) 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:
61G4-15.033 Certification of Marine Specialty Contractors.

- (1) Scope of Rule. The purpose of this rule is to provide for the certification of marine contractors.
- (2) Definition. A marine contractor is a specialty contractor qualified and certified by the board to perform any work involving the construction, repair, alteration, extension and excavation for fixed docks, floating docks, boathouses, mooring devices, mooring fields, seawalls, bulkheads, piers, wharfs, boatlifts, boat ramps, revetments, cofferdams, wave attenuators, dune crossovers and other marine structures and activities, such as pile driving, framing, concrete, masonry, dredge and fill, and wood shingle, wood shakes, or asphalt or fiberglass shingle roofing on a new structure of his or her own construction. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classification.
- (3) Certified Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the Longshoremen's and Harbor Worker's Compensation Act, and the Jones Act.

(4) Other certification procedures and fees for certified marine specialty contractors shall be the same as those provided for the certification of other contractors as defined and set forth in Sections 489.109, 489.111, 489.113, 489.114, 489.115, and 489.116 F.S., and related rules.

Specific Authority 455.213, 489.108, 489.113(6) FS. Law Implemented 489.105(3)(q), 489.113(6) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.: RULE TITLES:
61J1-4.001 Education Requirements
61J1-4.003 Continuing Education

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rules 61J1-4.001 and 61J1-4.003, F.A.C. to revise the required coursework for trainee appraisers and for all registered, licensed and certified appraisers.

SUMMARY: In Rules 61J1-4.001 and 61J1-4.003, F.A.C. the required coursework for trainee appraisers and for all registered, licensed and certified appraisers is revised.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.618, 475.617, 475.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas O’Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

- 61J1-4.001 Education Requirements.
- (1) through (4) No change.

(5) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

(a) through (m) No change.

(n) Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours of instruction and cover the following topics ~~coverage~~ regarding the roles and rules of supervisor and trainee appraisers:-

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, Florida Statutes.

2. Review of Chapter 475 Part II, Florida Statutes sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, Florida Administrative Code sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.

4. Review of applicable sections of the Uniform Standards of Professional Appraisal Practice and Advisory Opinions including signature and security of signature, competency rule, Standard Rule 2-3, Standards Rule 3-3 and Advisory Opinion 5, the Assistance in the preparation of an appraisal.

(6) Board approved pre-certification courses for certified residential appraisers must include the following subject matter:

(a) through (o) No change.

(p) Effective January 1, 2008, Board approved pre-certification courses for certified residential appraisers must include a minimum of three (3) hours of instruction and cover the following topics ~~coverage~~ regarding the roles and rules of supervisor and trainee appraisers:-

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, Florida Statutes.

2. Review of Chapter 475 Part II, Florida Statutes, sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, Florida Administrative Code, sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.

4. Review of applicable sections of the Uniform Standards of Professional Appraisal Practice and Advisory Opinions including signature and security of signature, competency rule, Standard Rule 2-3, Standards Rule 3-3 and Advisory Opinion 5, the Assistance in the preparation of an appraisal.

(7) Board approved pre-certification courses for certified general appraisers must include the following subject matter:

(a) through (f) No change.

(g) Effective January 1, 2008, Board approved pre-certification courses for certified general appraisers must include a minimum of three (3) hours of instruction and cover the following topics coverage regarding the roles and rules of supervisor and trainee appraisers:-

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, Florida Statutes.

2. Review of Chapter 475 Part II, Florida Statutes, sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, Florida Administrative Code, sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.

4. Review of applicable sections of the Uniform Standards of Professional Appraisal Practice and Advisory Opinions including signature and security of signature, competency rule, Standard Rule 2-3, Standards Rule 3-3 and Advisory Opinion 5, the Assistance in the preparation of an appraisal.

(8) through (14) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History–New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06, 2-6-07, _____.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30 hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1,

2006, the minimum 30 hours of continuing education shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers.

1. The definitions of direct supervision, registered trainee appraiser, supervisory appraiser, training and work file pursuant to Section 475.611, Florida Statutes.

2. Review of Chapter 475 Part II, Florida Statutes, sections regarding the postlicensure education requirement for a registered trainee appraiser, displaying and disclosure of licensure, certification or registration, employment of and by registered trainee real estate appraiser, supervision and training of registered trainee appraisers, and retention of records.

3. Review of Chapter 61J1, Florida Administrative Code, sections regarding postlicensing education for registered trainee appraisers, supervision of registered trainee appraisers, displaying and disclosure of registration, licensure or certification designation and advertising.

4. Review of applicable sections of the Uniform Standards of Professional Appraisal Practice and Advisory Opinions including signature and security of signature, competency rule, Standard Rule 2-3, Standards Rule 3-3 and Advisory Opinion 5, the Assistance in the preparation of an appraisal.

A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 6 months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) through (6) No change.

(7) A registrant, licensee, or certificate holder, including a Board member, may earn five (5) classroom hours by attending an entire meeting where the Board considers disciplinary cases, for a maximum of seven (7) ~~ten (10)~~ of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History–New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06, 12-4-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 4, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 20, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.: 63E-7.006 63E-7.007 63E-7.008 63E-7.009	RULE TITLES: Quality of Life and youth Grievance Process Youth Hygiene and Dress Code Facility and Food Services Behavior Management
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PURPOSE AND EFFECT: The rule establishes requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUMMARY: The rule governs various conditions of confinement, including quality of life, youth grievances, visitation, mail and telephone access, hygiene, food services and behavior management.

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

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

SPECIFIC AUTHORITY: 985.64, 985.601, 20.316 FS.

LAW IMPLEMENTED: 985.601, 985.03(44), 985.441 FS.

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

DATE AND TIME: Friday, July 27, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-7.006 Quality of Life and Youth Grievance Process.

(1) A residential commitment program shall establish the expectation that staff will treat youth with dignity and respect, and the program shall provide a positive quality of life for its youth by providing, at a minimum, the following:

- (a) Shelter;
- (b) Safety and security;
- (c) Clothing;
- (d) Food;
- (e) Access to the Department of Children and Families' central abuse hotline addressed in Chapter 39, F.S., or if the youth is 18 years or older, the department's Central Communications Center that serves as the department's incident reporting hotline;

(f) Healthcare;

- (g) Mental health and substance abuse services;
- (h) Educational and prevocational or vocational services;
- (i) Opportunities for recreation and large muscle exercise;
- (k) Opportunities for expression of religious beliefs;
- (l) Visitation;
- (m) Access to incoming mail and opportunities to send outgoing mail; and
- (n) Telephone access.

(2) A residential commitment program shall establish a visitation schedule that is readily available to persons interested in visiting youth. However, to facilitate family reunification, the program shall consider requests for alternate visitation arrangements from a youth's parent, legal guardian or grandparent unless such contact is specifically prohibited by a court order, against the youth's wishes, or poses a safety or security threat. Additionally, the program shall accommodate visitation by the youth's attorney of record, JPO and clergy.

(3) A residential commitment program shall provide opportunities for youth to send and receive mail and shall facilitate correspondence that fosters the youth's reunification with his or her family unless specifically prohibited by court order, a family member is the youth's victim, or it is determined not to be in the best interest of the youth. The program shall not allow the youth to directly correspond with his or her victim except through an apology letter whose content is approved by the program director or designee and sent to the youth's JPO to forward to the victim only if he or she expresses a willingness to receive it.

(4) A residential commitment program shall provide opportunities for youth to receive incoming emergency telephone calls from family members or his or her legal guardian and calls from the youth's JPO and attorney of record. The program shall allow each youth to make outgoing calls to the JPO and attorney of record. A written procedure that fosters family reunification and community reintegration shall specify youths' access to incoming calls from and outgoing calls to family and other persons.

(5) A residential commitment program shall establish written procedures specifying the process for youth to grieve actions of program staff and conditions or circumstances in the program related to the violation or denial of basic rights. These procedures shall establish each youth's right to grieve and ensure that all youth are treated fairly, respectfully, without discrimination, and that their rights are protected.

(a) The procedures shall address each of the following phases of the youth grievance process, specifying timeframes that promote timely feedback to youth and rectification of situations or conditions when grievances are determined to be valid or justified.

1. Informal phase wherein the youth attempts to resolve the complaint or condition with staff on duty at the time of the grieved situation;

2. Formal phase wherein the youth submits a written grievance that requires a written response from a supervisory staff person; and

3. Appeal phase wherein the youth may appeal the outcome of the formal phase to the program director or designee.

(b) Program staff shall be trained on the program's youth grievance process and procedures.

(c) Program staff shall explain the grievance process to youth during their program orientation and shall post the written procedures throughout the facility for easy access by youth.

(d) Program staff shall ensure that a youth requesting to file a grievance be given necessary forms and accompanying instructions and shall assist the youth in filing the grievance if needed.

(e) The program shall maintain documentation on each youth grievance and its outcome for at least one year.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS, Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS, History—New _____.

63E-7.007 Youth Hygiene and Dress Code.

(1) A residential commitment program shall establish expectations for youth to engage in personal hygiene activities. At a minimum, the program shall allow time on the schedule for youth to:

(a) Practice dental hygiene twice daily;

(b) Bathe or shower and wash hair daily unless medically contraindicated;

(c) Style or comb their hair daily;

(d) Shave daily, if males, and twice weekly, if females, unless medically contraindicated; and

(e) Clean and trim their fingernails.

(2) Residential commitment program staff shall provide hygiene instruction and assistance to youth when necessary and shall accommodate the need for:

(a) Females to use the restroom or bathe more frequently during their menstrual cycles; and

(b) Youth to bathe more frequently when engaging in strenuous outdoor exercise or work projects during hot weather, if the program's schedule permits.

(3) A residential commitment program shall provide each youth with individual hygiene supplies to include, at a minimum, the following:

(a) Toothbrush and toothpaste;

(b) Soap;

(c) Shampoo;

(d) Combs or brushes;

(e) Shaving supplies;

(f) Body lotion; and

(g) Feminine hygiene supplies for females.

(4) Pursuant to Rules 64E-12.007 (6-18-87) and 64E-12.008 (6-18-87), F.A.C., a residential commitment program shall provide clean clothing, bedding and towels that are in good condition or repair, as well as storage space for hygiene supplies or toiletries.

(5) A residential commitment program shall establish and enforce a dress code for youth.

(a) The dress code shall be written to:

1. Promote a neat and well groomed appearance;

2. Foster pride in appearance;

3. Deter the transfer of attire or symbols associated with negative subcultures, such as gangs, into the program;

4. Promote safety and hygiene; and

5. Assist in differentiating youth from staff.

(b) The dress code shall require the program to provide youth with:

1. Clean, comfortable and modest attire that is in good repair, fits properly, is suitable for the climate, and does not compromise safety; and

2. At a minimum, clean underwear daily, four changes of clothes weekly, shoes, and sleeping attire.

(c) The dress code for youth shall:

1. Require youth to wear clothing as designed, such as pants or shorts pulled up and properly fastened so underwear is not revealed;

2. Prohibit attire with any messages, markings or designs that are gang-related, drug or alcohol-related, profane or vulgar;

3. Prohibit youth from going barefoot except when bathing, in their rooms resting or sleeping, or under other circumstances deemed warranted by program staff, such as during water related activities;

4. Prohibit jewelry except for a medical alert bracelet, or if authorized by the program, a watch;

5. Specify acceptable and prohibited hair styles in order to:

a. Promote a neat appearance, safety and hygiene, and

b. Prohibit lettering, gang signs, numbering or designs cut, dyed, painted or placed in the hair or on the scalp; and

6. Require males to maintain a clean-shaven appearance unless a medical exemption necessitates trimming facial hair with scissors or clippers rather than shaving.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New _____.

63E-7.008 Facility and Food Services.

(1) A residential commitment program shall maintain its facility and grounds pursuant to the following provisions of the Florida Administrative Code:

(a) Water supply: Rule 64E-12.003, F.A.C., (8-7-96);

(b) Housing: Rule 64E-12.005, F.A.C. (8-7-96);

(c) Insect and Rodent Control: Rule 64E-12.006, F.A.C. (8-7-96);

(d) Laundry: Rule 64E-12.008, F.A.C. (6-18-87);

(e) Poisonous or Toxic Substances: Rule 64E-12.009, F.A.C. (6-18-87);

(f) Garbage and Rubbish: Rule 64E-12.010, F.A.C. (8-7-96); and

(g) Recreational Areas: subsections 64E-12.011(1)-(2), F.A.C. (8-7-96).

(2) A residential commitment program shall ensure that disposal of biohazardous waste is in accordance with Occupational Safety and Health Administration (OSHA) Standard 29 CFR 1910.1030. The program shall not allow youth to clean, handle, or dispose of any other person's biohazardous material, bodily fluids or human waste.

(3) A residential commitment program shall develop a site-specific plan addressing exposure to bloodborne pathogens.

(4) A residential commitment program shall pass annual inspections that address compliance with state health, sanitation and food service standards.

(5) A residential commitment program shall establish and implement cleaning schedules, a pest control system, a garbage removal system, and a facility maintenance system. At a minimum, the facility maintenance system shall include maintenance schedules and timely repairs based on visual and manual inspections of the facility structure, grounds and equipment.

(6) The siting of any new facility or structure for the purpose of operating a residential commitment program shall be in accordance with the following:

(a) Local zoning codes and ordinances per Section 125.01, F.S.;

(b) Provisions as specified in Rule Titles 62 and 17, F.A.C. pertaining to new construction and site development;

(c) Florida Building Code and Florida Fire Prevention Code pursuant to Section 125.56, F.S.;

(d) Office of State Fire Marshall requirements for new construction pursuant to Section 633.01, F.S.;

(e) Provisions as outlined in Section 985.03(44), F.S., based on the restrictiveness level of the program; and

(f) Additional minimum requirements to include:

1. Sleeping quarters.

a. 35 square feet unencumbered space, defined as usable space that is not encumbered by furnishings or fixtures, per youth in the sleeping quarters, with at least one dimension of the unencumbered space no less than seven feet;

b. One partition for every four youth in shared sleeping areas; and

c. A bed, mattress, pillow, desk, chair or stool, and personal storage space for every youth.

2. 35 square feet per youth for dayroom and multi-purpose room activities;

3. 50 square feet outdoor recreational space per youth;

4. 56.25 square feet per youth for rooms used for educational purposes, with a classroom size based on a maximum of 16 youth;

5. Natural and artificial light to accommodate daily activities of the program;

6. Temperatures in indoor living and work areas for summer and winter comfort zones;

7. Space to accommodate dining, individual counseling, group meetings and other activities involving youth and staff that are integral to the program design; and

8. A closed circuit television system that includes but is not limited to, a color digital recording device. The digital video recorder (DVR) must be capable of a minimum of 30 days recorded event storage within the hard drive, have a minimum setting of eight frames per second, have a minimum of 16 camera inputs, and be capable of remote viewing. All equipment must be surge protected and have a universal surge protector backup and be connected to an emergency power supply.

(7) Any facility, building or structure newly leased for the purpose of operating a residential commitment program or any facility or structure whose usage is being changed to house a residential commitment program shall be in accordance with paragraphs 63E-7.008(6)(a), 7.008(6)(c), and 7.008(6)(e)-(f), F.A.C. Additionally, newly leased facilities shall be in accordance with the Office of State Fire Marshall requirements for leased space as specified in Section 633.01, F.S.

(8) A residential commitment program shall not make any renovations or modifications to a facility owned by the department, including exterior features such as lighting, fencing and the sally port, without written permission from the department.

(9) A residential commitment program operated by the state or by a non-profit entity shall comply with all guidelines and maintain documentation as required by the USDA National School Lunch and School Breakfast Program.

(10) A residential commitment program shall provide each youth with at least three nutritionally balanced meals per day and shall:

(a) Serve at least two of the meals hot;

(b) Consider food flavor, texture, temperature, appearance and palatability when preparing and serving food;

(c) Provide youth special diets when prescribed for health reasons or when dictated by religious beliefs; and

(d) Not withhold food as a disciplinary measure.

(11) A residential commitment program that is a food service establishment or is included in a food service establishment as defined in Chapter 381, F.S., shall provide food services pursuant to Chapter 64E-11, Florida Administrative Code (F.A.C.):

(a) General: Rule 64E-11.001, F.A.C. (8-28-96).

(b) Definitions: Rule 64E-11.002, F.A.C. (7-14-03).

(c) Food Supplies: Rule 64E-11.003, F.A.C. (7-14-03).

(d) Food Protection: Rule 64E-11.004, F.A.C. (7-14-03).

(e) Personnel: Rule 64E-11.005, F.A.C. (7-14-03).

(f) Food Equipment and Utensils: Rule 64E-11.006, F.A.C. (7-14-03).

(g) Sanitary Facilities and Control: Rule 64E-11.007, F.A.C. (7-14-03).

(h) Other Facilities and Operations: Rule 64E-11.008, F.A.C. (3-15-98).

(j) Temporary Food Service Events: Rule 64E-11.009, F.A.C. (3-15-98).

(k) Procedure When Infection Is Suspected: Rule 64E-11.011, F.A.C. (2-21-91).

(l) Manager Certification: Rule 64E-11.012, F.A.C. (7-14-03).

(m) Certificates and Fees: Rule 64E-11.013, F.A.C. (7-14-03).

(12) A private home that serves as a residential commitment placement, such as a family home, shall provide food services pursuant to Rule 64E-12.004, F.A.C.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New _____.

63E-7.009 Behavior Management.

(1) Consistent with its treatment approach, a residential commitment program shall establish a behavior management system, utilizing evidence-based techniques, that is responsive to the unique characteristics of the program's population. Only someone with training or experience in behavior management techniques or systems shall develop or modify a program's behavior management system. A program's behavior

management system shall foster accountability for behavior and compliance with the residential community's rules and expectations.

(2) A residential commitment program's behavior management system shall be described in writing and designed to:

(a) Maintain order and security;

(b) Promote safety, respect, fairness, and protection of rights within the residential community;

(c) Provide constructive discipline and a system of positive and negative consequences to encourage youth to meet expectations for behavior;

(d) Provide opportunities for positive reinforcement and recognition for accomplishments and positive behaviors;

(e) Promote socially acceptable means for youth to meet their needs;

(f) Include a process whereby:

1. Staff explain to the youth the reason for any sanction imposed;

2. The youth is given an opportunity to explain his or her behavior; and

3. Staff and the youth discuss the behavior's impact on others, reasonable reparations for harm caused to others, and alternative acceptable behaviors;

(g) Promote dialogue and peaceful conflict resolution;

(h) Minimize separation of youth from the general population; and

(j) Complement the performance planning process.

(3) A residential commitment program's behavior management system shall not:

(a) Be used solely to increase a youth's length of stay;

(b) Be used to deny a youth basic rights or services to include regular meals, clothing, sleep, physical or mental health services, educational services, exercise, correspondence, and contact with his or her parents or legal guardian, attorney of record, JPO, or clergy;

(c) Promote the use of group discipline;

(d) Allow youth to sanction other youth; or

(e) Include disciplinary confinement wherein a youth is isolated in a locked room as discipline for misbehavior.

(4) Consistent with the following provisions, a residential commitment program may use room restriction for major infractions as part of its behavior management system, temporarily restricting the youth's participation in routine activities by requiring the youth to remain in his or her sleeping quarters:

(a) Room restriction shall not be used for a youth who is out of control or a suicide risk.

(b) A supervisor shall give prior approval for each use of room restriction.

(c) Room restriction shall not exceed four hours and the door to the room shall remain open to facilitate staff supervision.

(d) Staff shall engage, or attempt to engage, the youth in productive interactions at least every thirty minutes while on room restriction status.

(e) The program shall not deny a youth basic services, such as regular meals and physical or mental health services.

(f) Program staff shall use strategies, such as conflict resolution and constructive dialogue, to facilitate the youth's reintegration into the general population when released from room restriction.

(g) For each use of room restriction, the program shall document the following:

1. A description of the behavior that resulted in room restriction;

2. The date and time room restriction was implemented;

3. The name of the staff person who recommended the use of room restriction and the name of the approving supervisor;

4. The name of the staff person removing the youth from room restriction;

5. The date and time of removal and a description of the youth's behavior and attitude upon removal; and

6. Follow-up actions taken or attempted to help re-integrate the youth back into the general population when released from room restriction.

(5) A moderate-risk, high-risk, or maximum-risk residential commitment program with a bed capacity of 50 beds or more may establish a behavior management unit to deal with a youth's misbehavior when less restrictive interventions have proven ineffective or are deemed unreasonable for the circumstances. For purposes of this rule, a behavior management unit is a designated living area within the facility that enables the program to separate from the general population those youth whose inappropriate behavior significantly disrupts the program's residential community, endangers the safety of staff and other youth, or threatens major destruction of property. The behavior management unit may be secure with locking exit doors, but shall not be comprised of secure rooms wherein youth are kept in lock-down status.

(a) If a youth is assessed and it is determined that he or she is not a danger to self and there are no identified mental health, physical health or other contraindicating factors, a supervisor may approve placing a youth in the behavior management unit as a result of one or more of the following serious behavioral problems:

1. Physically assaulting another youth or staff member;

2. Leading, directing, or inciting other youth to riot or escape;

3. Attempting to escape (or escaped and is returned to the program);

4. Inflicting major property destruction; and

5. Repeatedly violating rules of the program.

(b) A behavior management unit's bed capacity shall not exceed 15.

(c) The staff-to-youth ratio in a behavior management unit shall be at least that provided in the general population and sufficient to operate the unit safely and securely. Staff assigned to the unit shall have specialty training in behavior management and behavior modification techniques.

(d) Sleeping rooms for youth shall have a minimum of 35 square feet of unencumbered space and shall meet the following specifications:

1. Solid core hardwood or metal door with a shatter-resistant observation window;

2. Vents not easily accessible from the toilet, sink or bed that are covered with small mesh or a metal plate (holes no larger than 3/16 inch) with no edges exposed;

3. A security-rated, fire-retardant plastic mattress suitable for use on the floor or a suicide-resistant bed;

4. Recessed light fixtures covered with shatter-resistant material or alternative lighting reviewed and approved by the department;

5. Shatter-resistant windows or, if glass windows that are not shatter resistant, covered with security-rated screens or other materials that prevent access to the glass;

6. No electrical outlets; and

7. Electrical switches located outside the sleeping rooms or covered and secured if located inside the rooms.

(e) Staff shall explain to the youth the reasons for placement in the behavior management unit and discuss with the youth consequences of repetition of the maladaptive behavior, alternative acceptable behaviors, harm caused to others as a result of the maladaptive behavior and possible reparations.

(f) Staff shall advise the youth of criteria for release from the behavior management unit, including achievement of short-term goals established by the treatment team to address maladaptive behaviors.

(g) At a minimum, the program shall provide youth with the following while they are placed in the behavior management unit:

1. Regular meals;

2. Clean clothing and linen;

3. Personal hygiene;

4. Educational services and other treatment activities associated with attainment of short-term goals for release from the unit;

5. At least one hour of large muscle physical exercise daily; and

6. Telephone, correspondence, and visitation contact with the attorney of record, JPO, clergy and parents or guardian.

(h) Reviews.

1. The youth's treatment team shall review the case within 72 hours of the youth being placed in a behavior management unit. If the treatment team decides to continue the youth's placement in the unit, the team shall develop short-term goals to assist the youth with accountability for behavior and changing or controlling maladaptive behaviors. The youth shall be present when the treatment team meets and given an opportunity to give input.

2. If the youth remains in the behavior management unit for 14 days, the treatment team shall review the youth's progress in attaining the short-term goals and determine whether the youth is to be released or placement continued.

3. Every 72 hours that the youth remains in the behavior management unit after the 14-day review, the treatment team shall review the youth's progress and recommend continued placement or release. At this stage, continued placement requires approval of the program director or his or her designee.

4. If possible, the youth shall participate in all treatment team reviews, but if not, a representative of the treatment team shall discuss review findings with the youth.

(j) The program shall release a youth from the behavior management unit at any time it is determined that continued placement would be detrimental to the youth's well being or at the discretion of the program director or his or her designee.

(k) Mechanical restraints may be used in the behavior management unit only as a last resort and any use shall be pursuant to Rule 63H-1.005, F.A.C., and documented pursuant to Rule 63H-1.007, F.A.C.

(l) A program with a behavior management unit shall establish a system of documentation and record maintenance to include, at a minimum, the following:

1. Ongoing log of placements, including the name of each youth placed, date of placement, date of release, and the name of the approving supervisor;

2. Documentation of treatment team meetings and reviews while the youth is in the behavior management unit, including initial short-term goals and any subsequent modifications, review date and signatures of participants, description of the youth's progress, and recommendations; and

3. Documentation of the program director's or his or her designee's approval of a recommendation for continued placement resulting from any 72-hour review conducted after the youth's 14th day in the unit.

(6) A residential commitment program shall provide training on implementation of its behavior management system to staff and other service providers having direct contact with youth in the program.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Wimmer, DJJ Residential Services Policy Development & Planning Coordinator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, DJJ Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.007	Vehicle Permits
64E-2.008	Emergency Medical Technician
64E-2.009	Paramedic
64E-2.0094	Voluntary Inactive Certification
64E-2.036	Training Programs

PURPOSE AND EFFECT: Currently, Section 401.23(5), F.S. includes the term water vehicle in the definition of ambulance. The rule change for Rule 64E-2007, F.A.C. clarifies the definition of water vehicles and outlines the reasons that they are not transport vehicles or advanced life support transport vehicles.

Currently, Emergency Medical Technicians and Paramedics have to submit separate applications to the Department in order to take the examination. The amended rule will combine the Emergency Medical Technician application for examination and the Paramedic application for examination into one application. Revisions have been made to facilitate online applications. Online applications will streamline the application process and allow these individuals to obtain their approvals in a more efficient manner.

The application for approval of an Emergency Medical Services Training Program has been revised to correct grammatical errors and allow for the standardization with the National Standard Curricula.

SUMMARY: The amended rule offers clarification to the term "water vehicle" as it relates to vehicle permits. The amended rule includes reference to current forms with revision dates.

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

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

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.2715, 401.35 FS.

LAW IMPLEMENTED: 381.001, 381.0205, 401.23, 401.24, 401.25, 401.251, 401.26, 401.27, 401.2715, 401.30, 401.31, 401.34, 401.35, 401.41, 401.411, 401.414 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: July 31, 2007, 2:00 p.m. and ending no later than 4:00 p.m. if deemed necessary

PLACE: Florida Department of Health, 4025 Esplanade Way, Room 301, Tallahassee, FL 32311

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 2 days before the workshop/meeting by contacting: Alexander Macy, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Alexander_Macy@doh.state.fl.us, (850)245-4440, ext. 2735 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: Lisa Walker, Government Analyst, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us, (850)245-4440 ext. 2733, fax: (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.007 Vehicle Permits.

(1) through (4) No change.

(5) For purposes of Section 401.26(1), F.S.:

(a) Water vehicles with a total capacity of two persons or less are neither transport vehicles nor advanced life support transport vehicles.

(b) Water vehicles with a total capacity of three or more persons are neither transport vehicles nor advanced life support transport vehicles, if:

1. Staffed and equipped per the Licensee Medical Director's protocols consistent with the certification requirements of Chapter 401, F.S.; and

2. Reported to the Bureau with sufficient information to identify the water vehicle and to document compliance with (b)1. Such report shall be updated with each license renewal.

(c) A transport vehicle or advanced life support transport vehicle that has explicit staffing, equipment and permitting requirements under statute and other rules of the department cannot fall under paragraph (a) or (b).

Specific Authority 381.0011, 401.23, 401.26, 401.35 FS. Law Implemented 381.001, 381.0205, 401.23, 401.24, 401.25, 401.251, 401.26, 401.27, 401.30, 401.31, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.53, Amended 4-12-88, 12-10-92, 11-30-93, 1-26-97. Formerly 10D-66.053, Amended 1-3-99, 12-18-06,_____.

64E-2.008 Emergency Medical Technician.

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

(b) apply for and pass Florida EMT certification examination on DH Form 1583, August 05 ~~April 05~~, Application for Examination for Emergency Medical Technicians (EMT) & Paramedic ~~Initial~~ Certification ~~Application~~ which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., and

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

(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate shall submit DH Form 1583, August 05 ~~April 05~~, Application for Examination for Emergency Medical Technicians (EMT) & Paramedic ~~Initial~~ Certification ~~Application~~ to the department so as to be received by the department in accordance with the published examination application deadlines which may be obtained by contacting the department, as defined by subsection 64E-2.001(8), F.A.C., and pay the required fees.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97. Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-03-02, 10-24-05, 1-11-06, 1-23-07,_____.

64E-2.009 Paramedic.

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

(b) apply for and pass Florida paramedic certification examination in accordance with the published examination application deadlines located on the department's website on DH Form 1583, August 05, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification ~~DH Form 1977, April 05, Paramedics Initial Certification Application~~ which is incorporated by reference in Rule 64E-2.008, F.A.C.; and

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

(b) Successfully pass the paramedic certification examination during the current certification cycle; complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate shall submit DH Form 1583, August 05, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification ~~DH Form 1977, April 05, Paramedics Initial Certification Application~~ to the department so as to be received by the department in accordance with the published examination application deadlines located on the department's website, and pay the required fees.

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-03-02, 10-24-05, 1-23-07,_____.

64E-2.0094 Voluntary Inactive Certification.

(1) through (2)(e)1. No change.

2. DH Form 1583, August 07 ~~April 05~~, August 05, Application for Examination for Emergency Medical Technician (EMT) & Paramedic Certification ~~Emergency Medical Technicians Initial Certification Application~~, which is incorporated by reference in Rule 64E-2.008, F.A.C.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History–New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, 10-24-05, 1-23-07,_____.

64E-2.036 Training Programs.

(1) through (1)(d) No change.

(2) To be approved as an EMT Training Program, an entity shall submit a completed DH Form 1698, August 07 ~~October 05~~, Application for Approval of an Emergency Medical Services (EMS) Technician ~~Basic (EMT-B)~~ Training Program, which is incorporated by reference and available from the department.

(3) To be approved as a Paramedic Training Program, an entity shall submit a completed DH Form 1698, August 07 ~~October 05~~, Application for Approval of an Emergency Medical Services (EMS) Technician-Paramedic (EMT-P) Training Program, which is incorporated by reference and available from the department.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History–New 9-3-00, Amended 4-15-01, 4-21-02, 11-3-02, 12-18-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa M. Walker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John C. Bixler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-142.200
RULE TITLE: Military Sales Practices

PURPOSE AND EFFECT: The purpose of this rule is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.

SUMMARY: The rule provides definitions and declares specified acts and practices to constitute violations of Sections 626.9541 and 626.9551, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 624.308(1), 626.9541(1), 626.6911 FS.

LAW IMPLEMENTED: 624.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 FS.

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

DATE AND TIME: August 2, 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 days before the workshop/meeting by contacting: Sam Binnun, Office of Insurance Regulation, E-mail sam.binnun@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 IS: Sam Binnun, Office of Insurance Regulation, E-mail sam.binnun@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-142.200 Military Sales Practices.

(1) The purpose of this regulation is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.

(2) Scope – This regulation shall apply only to the solicitation or sale of any life insurance or annuity product by an insurer to an active duty service member of the United States Armed Forces.

(3) Exemptions – This regulation shall not apply to solicitations or sales involving:

(a) Credit insurance;

(b) Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;

(c) An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner; or, when a term conversion privilege is exercised among corporate affiliates;

(d) Individual stand-alone health policies, including disability income policies;

(e) Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq.;

(f) Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501 (c) (23) of the Internal Revenue Code (IRC), and which are not underwritten by an insurer; or

(g) Contracts used to fund:

1. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

2. A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the IRC, as amended, if established or maintained by an employer;

3. A government or church plan defined in Section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC;

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

5. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

6. Prearranged funeral contracts.

(h) Nothing herein shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate members of the United States Armed Forces in accordance with Department of Defense DoD Instruction 1344.07 – PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS or successor directive.

(I) For purposes of this regulation, general advertisements, direct mail and internet marketing shall not constitute "solicitation." Telephone marketing shall not constitute "solicitation" provided the caller explicitly and conspicuously discloses that the product concerned is life insurance and makes no statements that avoid a clear and unequivocal statement that life insurance is the subject matter of the solicitation. Provided however, nothing in this subsection shall be construed to exempt an insurer from this regulation in any in-person, face-to-face meeting established as a result of the "solicitation" exemptions identified in this subsection.

(4) Definitions.

(a) "Active Duty" means full-time duty in the active military service of the United States and includes members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training or in a drill status in the National Guard or United States Armed Forces Reserve.

(b) "Department of Defense (DoD) Personnel" means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.

(c) "Door to Door" means a solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment.

(d) "General Advertisement" means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer.

(e) "Insurer" means an insurance company required to be licensed under the laws of this state to provide life insurance products, including annuities.

(f) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate life insurance, including annuities.

(g) "Known" or "Knowingly" means, depending on its use herein, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited is a service member.

(h) "Life Insurance" means insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities.

(i) "Military Installation" means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.

(j) "MyPay" is a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

(k) "Service Member" means any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces.

(l) "Side Fund" means a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include:

1. Accumulated value or cash value or secondary guarantees provided by a universal life policy;

2. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or

3. A premium deposit fund which:

a. Contains only premiums paid in advance which accumulate at interest;

b. Imposes no penalty for withdrawal;

c. Does not permit funding beyond future required premiums;

d. Is not marketed or intended as an investment; and

e. Does not carry a commission, either paid or calculated.

(m) "Specific Appointment" means a prearranged appointment agreed upon by both parties and definite as to place and time.

(n) "United States Armed Forces" means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The following acts or practices when committed on a military installation by an insurer with respect to the in-person, face-to-face solicitation of life insurance are declared to be unfair or deceptive acts or practices by Section 626.9541 or 626.9551, F.S.

(a) Knowingly soliciting the purchase of any life insurance product "door to door" or without first establishing a specific appointment for each meeting with the prospective purchaser.

(b) Soliciting service members in a group or "mass" audience or in a "captive" audience where attendance is not voluntary.

(c) Knowingly making appointments with or soliciting service members during their normally scheduled duty hours.

(d) Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation.

(e) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee.

(f) Posting unauthorized bulletins, notices or advertisements.

(g) Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885.

(h) Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives or rules of the DoD or any branch of the Armed Forces.

(i) Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members.

(j) Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

(6) The following acts or practices by an insurer constitute corrupt practices, improper influences or inducements and are declared to be unfair or deceptive acts or practices prohibited by Section 626.9541, F.S. or Section 626.9551, F.S., regardless of location:

(a) Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(b) Knowingly receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:

1. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. § 4301 et seq. and the regulations promulgated thereunder; and

2. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(c) Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in paragraph (6)(b).

(d) Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(e) Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members, or to the family members of such personnel.

(f) Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting or facilitating the solicitation or sale of life insurance to another service member.

(g) Knowingly offering or giving anything of value to a service member for his or her attendance to any event where an application for life insurance is solicited.

(h) Advising a service member to change his or her income tax withholding or State of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(i)1. Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, the United States Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor."

2. Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS).

(j) Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, or the United States Armed Forces.

(k) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(l) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(m) Making any representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading or deceptive.

(n) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading or deceptive.

(o) Suggesting, recommending or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(p) Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(q) Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(r) Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance.

(s) Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16.

(t) Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken:

1. An explanation of any free look period with instructions on how to cancel if a policy is issued; and

2. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of Section 626.99, F.S. shall be deemed sufficient to meet this requirement for a written disclosure.

(u) Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(v) Offering for sale or selling a life insurance product which includes a side fund to a service member who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance.

1. "Insurable needs" are the risks associated with premature death taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents.

2. "Other military survivor benefits" include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits.

(w) Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

1. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

2. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one (1) to ten (10) and for every fifth policy year thereafter ending at age 100, policy maturity or final expiration; and

3. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce or offset any premiums due.

(x) Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance.

(y) Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, e.g., double indemnity, which may be excluded.

Specific Authority 626.308(1), 626.9541(1), 626.6911 FS. Law Implemented 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sam Binnun, Director, Market Investigations, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Bennett, Executive Senior Attorney, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2007

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with paragraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 18, May 4, 2007 issue of Florida Administrative Weekly.

Rule 5E-1.003(2) Labeling Requirements for Urban Turf Fertilizers.

The original intent of this rule was to establish phosphorous application rate labeling criteria for urban lawn and turf fertilizer products. Following publication of the proposed rule on March 2, 2007 (FAW Vol. 33, No. 9), a rule hearing was held on March 29, 2007 at the Plant Science Research and Education Building, Citra, Florida. After input from members of the industry and the water management districts rule modifications were made to address the application rates of nitrogen as well as phosphorus. A Notice of Change was published on May 4, 2007 (FAW Vol. 33, No. 18), and a second hearing was scheduled for May 25, 2007 in Tallahassee.

At this hearing, stakeholders from governmental interests and the industry provided testimonials and additional information regarding the proposed application rate of 0.5 lbs of readily available nitrogen per 1,000ft². In sum, there was continued opposition to the proposed application rate of nitrogen resulting from the lack of current scientific data supporting 0.5 lbs of readily available nitrogen per 1,000ft². Therefore the rule language has been modified so that when adopted the rule will reflect current scientific data and implement an acceptable application rate of 0.70 lbs. of readily available nitrogen per 1,000 ft², not to exceed 1lb of total nitrogen per application and not to exceed the annual nitrogen amounts set forth in the rule table entitled "Fertilization Guidelines for Established Turfgrass Lawns in Three Regions of Florida."