

**Section I**

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: RULE TITLE:

5J-14.003 Definitions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.003, F.A.C., is to define additional terms used to implement Section 849.094, F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.003, F.A.C., defines terms used in the administration of the game promotion statute.

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(1), 849.094(3), 849.094(5) 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: Thursday, September 6, 2007, 10:00 a.m.

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

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 10 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.003 Definitions.

(1) "Commencement of the game promotion" shall mean the date the game promotion begins which is disclosed in the filing made to the Department pursuant to Section 849.094(3), Florida Statutes.

(2) As used in these rules, "element" shall mean:

(a) A unique component of a contest, game of chance, or gift enterprise;

(b) Which is allocated to a single participant by operation of the rules of the contest, game of chance, or gift enterprise; and

(c) Which is the factor determining whether or not the participant is entitled to a prize under the rules of the contest, game of chance, or gift enterprise.

(3) "In connection with the sale of consumer products or services" shall mean the opportunity for a consumer to participate in the contest, game of chance, or gift enterprise directly results from the completion of a single retail sales transaction between a merchant or service provider and an end-use purchaser of the product or service.

(a) Any means by which a player may provide direct consideration for continued participation in the contest, game of chance, or gift enterprise after completion of the retail sales transaction is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(b) Conversion of any prize awarded by participation in the contest, game of chance, or gift enterprise directly into additional opportunities to continue such participation is not "in connection with the sale of consumer products or services" and shall be deemed separate and apart from participation in the game promotion.

(4) "Operator" shall include "sponsor," "promoter," or "administrator."

Specific Authority 849.094(8) FS. Law Implemented 849.094(1), 849.094(3), 849.094(5) FS. History—New

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: RULE TITLE:

5J-14.004 Separate Promotions

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.004, F.A.C., is to clarify the statutory requirement for filing each game promotion separately.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.004, F.A.C., applies the requirement for filing separate game promotions to situations where a single entity simultaneously operates similar games.

SPECIFIC AUTHORITY: 849.094(8) FS.

LAW IMPLEMENTED: 849.094(3) 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: Thursday, September 6, 2007, 11:00 a.m.  
 PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

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 10 days before the workshop/meeting by contacting: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, telephone: (850)488-2221

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.004 Separate Promotions.

(1) Each single contest, game of chance, or gift enterprise is a separate game promotion.

(2) A single contest, game of chance, or gift enterprise consists of a finite number of readily-identifiable elements, entitling a player to an award of one of the designated prizes, within a greater number of elements which do not entitle the player to a prize award.

(3) Multiple physical locations linked to a central data processing facility, which is owned, controlled, or maintained by the Operator, do not constitute a single game promotion if:

(a) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different rules of operation; or

(b) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations award different designated prizes; or

(c) The contests, games of chance, or gift enterprises conducted at one or more of the physical locations have different periods of duration; or

(d) The odds of a player receiving a winning element in one location are adjusted constantly by one or more mathematical calculations, whether performed in the central

data processing facility or in a separate physical location, and thus differ at any time from the odds of another player in another location receiving a winning element; or

(e) Without notice to any player, each separate location may proceed immediately to a subsequent contest, game of chance, or gift enterprise once the winning elements for all designated prizes are awarded to players.

Specific Authority 849.094(8) FS. Law Implemented 849.094(3) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.099821	Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures for the Department to calculate each Voluntary Prekindergarten (VPK) provider's 2006-07 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2006-07 school year and who are administered the statewide kindergarten screening during the 2007-08 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten readiness rates.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Readiness Rate.

SPECIFIC AUTHORITY: 1002.79 FS.

LAW IMPLEMENTED: 1002.69 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: 4:00 p.m. – 7:00 p.m., September 11, 2007

5:00 p.m. – 7:30 p.m., September 12, 2007

4:00 p.m. – 7:00 p.m., September 18, 2007

6:00 p.m. – 8:00 p.m., September 19, 2007

4:00 p.m. – 7:00 p.m., September 20, 2007

4:00 p.m. – 7:00 p.m., September 24, 2007

4:00 p.m. – 7:00 p.m., September 27, 2007

PLACES: September 11, 2007 – Florida Community College at Jacksonville, 101 West State Street, Technology Building, Room T140-141, Jacksonville, Florida

September 12, 2007 – The Children's Board of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida

September 18, 2007 – Palm Beach, FL (For the exact location, please call the Department of Education, Office of Early Learning at 1(866)447-1159.)

September 19, 2007 – Three Oaks Library, 21100 Three Oaks Parkway, Estero, Florida

September 20, 2007 – Miami Child Development Services (CDS) Office, 2525 N.W. 62nd Street, 2nd Floor, Miami, Florida

September 24, 2007 – Florida Department of Education, 325 West Gaines Street, Suite 1721/25, Tallahassee, Florida

September 27, 2007 – Double Tree Hotel, Osceola Room, 5780 Major Boulevard, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shan Goff, Office of Early Learning, Florida Department of Education, 325 West Gaines St., Suite 1524, Tallahassee, Florida 32399-0400, (850)245-0445

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

**DEPARTMENT OF TRANSPORTATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-86.001	Purpose
14-86.002	Definitions
14-86.003	Exceptions, Permit, and Assurance Requirements
14-86.004	Permit Application Procedure
14-86.005	General Conditions for a Drainage Permit
14-86.006	Permit and Exception, Suspension, or Revocation
14-86.007	Forms
14-86.008	Recovery of Fines, Penalties, and Costs

**PURPOSE AND EFFECT:** This is a substantial amendment to Rule Chapter 14-86, F.A.C. It amends existing rules, adopts a new rule, repeals the Forms rule, and incorporates by reference a Drainage Manual and a revised form to replace two obsolete forms.

**SUBJECT AREA TO BE ADDRESSED:** Rule Chapter 14-86, F.A.C., is being amended.

**SPECIFIC AUTHORITY:** 334.044(2), (15) FS.

**LAW IMPLEMENTED:** 334.044(1), (10)(a), (15), 336.045(1), 337.401(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**DRAINAGE CONNECTIONS PERMIT**

14-86.001 Purpose.

The purpose of this rule chapter is to regulate and prescribe ensure safe conditions for the transfer of stormwater to and the integrity of the Department of Transportation’s right of way as a result of manmade changes to adjacent properties, through a permitting process designed to ensure the safety and integrity of Department facilities and to prevent an unreasonable burden on lower properties transportation facilities and to prevent an unreasonable burden on lower properties by providing standards and procedures for drainage connections from the properties adjacent to the Department’s right of way. All Department actions taken pursuant to this rule chapter shall be in accordance with Section 120, F.S.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History–New 11-12-86, Amended \_\_\_\_\_.

14-86.002 Definitions.

As used in this rule chapter the following terms shall have the following meanings:

(1) “Adjacent Property” means.

(a) any real property or easement with a shared boundary to the Department’s facility or.

(b) any real property or easement with a hydraulic link via a drainage connection across other properties or easements to the Department’s right of way.

(2) “Applicant” means the owner of adjacent property or the owner’s authorized representative.

(3)(1) “Applicable Standards” or “Applicable Wwater Quality Standards or minimum design and performance standards” means rules and regulations of a governmental entity pertaining to stormwater discharges from those discharge standards of the appropriate regulatory entity which apply to the Department’s facilities to which the drainage connection is made facility being connected to.

(4)(2) “Approved Stormwater Management Plan” or “Master Drainage Plan” means a regional plan adopted or approved by a city, county, water management district, or other agency with specific drainage or stormwater management authority responsibility; provided that

(a) Such plan is actively being implemented;

(b) Any required construction is substantially complete;

(c) Appropriate downstream mitigation mitigative measures have been provided for in the plan; and

(d) That the use of any Department facilities either existing or planned, which are part of such plan have been coordinated with and agreed to by the Department.

(5) “Closed Basin” means a basin without any positive outlet.

~~(6)(3)~~ “Critical Duration” means the length of time duration of a specific storm frequency event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-improvement development runoff less pre-improvement development runoff) for typical durations up through and including the 10-day duration for closed basins and up through the 3-day duration for basins with positive outlets event. The critical duration for a given storm frequency is determined by calculating comparing various durations of the specified storm and calculating the peak rate and volume of stormwater runoff for various storm durations and then comparing the pre-improvement and post-improvement conditions for each of the storm durations. The duration resulting in the highest peak rate or largest net total stormwater volume is the “critical duration” storm (volume is not applicable for basins with positive outlets).

(7) “Department” means the Florida Department of Transportation.

(8) “Discharge” means the event or result of stormwater draining or otherwise transferring from one property to another or into surface waters.

(9)(4) “Drainage Connection” means any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other appurtenance or feature, whether naturally occurring or created, which is used or functions as a link to convey or otherwise conveys stormwater runoff or other surface water discharge from the adjacent property to the Department’s facility.

~~(5) “Engineer” means a Professional Engineer registered in Florida pursuant to the provisions of Chapter 471, F.S., who as appropriate is competent in the fields of hydraulics, hydrology, stormwater management or stormwater pollution control.~~

~~(10)(6)~~ “Facility” or “Facilities” means anything built, installed, or maintained by the Department all man-made or natural features within the Department’s right-of-way or easement including, but not limited to curbs, gutters, swales, ditches, canals, channels, culverts, pipes, retention and detention areas.

~~(11)(7)~~ “Impervious Area” means surfaces which do not allow, or minimally allow, the penetration of water. Examples of impervious areas are building roofs, all concrete and asphalt pavements, compacted limerock areas, lakes, ponds and other standing water areas, including some retention/detention areas.

~~(12)(8)~~ “Improvement” means any man-made change to adjacent property adjacent to the Department’s right-of-way made after the effective date of this rule chapter.

(13) “Licensed Professional” means a professional engineer or other professional registered in Florida, as authorized by law to design and certify the stormwater management system under review, who possesses expertise, as

demonstrated by education and experience, in the fields of hydrology, drainage, flood control, erosion and sediment control, stormwater pollution control, storm drain hydraulics, and pavement hydraulics.

(14) “Man-made Change” means any intentional physical change to or upon adjacent property, or foreseeable change resultant from an intentional physical change, which establishes or alters the rate, volume, or quality of stormwater.

(15) “Permit” or “Drainage Connection Permit” means an authorization to establish or alter a drainage connection to the Department’s right of way issued pursuant to this rule chapter.

(16) “Permittee” means the entity to which a Drainage Connection Permit is issued.

~~(17)(9)~~ “Positive Outlet” means a point of stormwater runoff discharge into surface waters which under normal conditions would drain by gravity through surface waters ultimately to the Gulf of Mexico, or the Atlantic Ocean, or into sinks or closed lakes provided the receiving waterbody has been identified by the appropriate Water Management District as functioning as if it recovered from runoff by means other than transpiration, evaporation, percolation, or infiltration.

(18) “Post-improvement” means the condition of property after the improvement which requires a Drainage Connection Permit is made.

~~(19)(10)~~ “Pre-improvement” means is the condition of property before any man-made change to the property, and includes any drainage connections previously permitted under this Rule Chapter or permitted by another governmental entity based on stormwater management requirements equal to or more stringent than those in this rule chapter the effective date of this rule chapter.

(20) “Right of Way” means land in which the Department owns the fee or less than the fee, or for which the Department has an easement, devoted to or required for use as a transportation or stormwater management facility.

~~(21)(11)~~ “Stormwater” or “Stormwater Runoff” means the flow of water which results from and occurs immediately following a rainfall event.

(22) “Stormwater Management System” means a system which is designed and constructed or implemented to control stormwater, incorporating methods to collect, convey, store, infiltrate, treat, use, or reuse stormwater to prevent or reduce flooding, overdrainage, environmental degradation, pollution, and otherwise affect the quantity or quality of stormwater in the system.

~~(23)(12)~~ “Surface Water” means water upon the surface of the earth whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits onto the earth’s surface.

~~(24)(13)~~ “Watershed” means the region draining or contributing water to a common outlet, such as a stream, lake or other receiving area.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended \_\_\_\_\_.

14-86.003 Exceptions Exemption, Permit, and Assurance Requirements.

(1) Exceptions Exemption. The following improvements to adjacent property do not require a drainage connection permit so long as any drainage connection from the adjacent property does not threaten the safety and integrity of the Department of Transportation's facilities and does not create an unreasonable burden on lower properties, including violations of applicable water quality standards:

(a) ~~All S~~single-family residential improvements which are not part of a larger common plan of improvement or sale ~~are exempt from the provisions of this Rule Chapter.~~

(b) ~~All improvements related to A~~griculture and silviculture improvements which are regulated by the Department of Environmental Protection Regulation or regional Water Management Districts ~~or which meet generally accepted engineering practice for drainage and water management are exempt from the provisions of this Rule Chapter.~~

(c) Any improvement other plan of improvement is presumptively excepted exempt from the requirements to obtain a Drainage Connection Permit provisions of this Rule Chapter provided that all of the following apply are ~~complied with:~~

1. The total impervious area, after improvement, must be less than 5,000 square feet of cumulative impervious area and is less than 40% of, with a maximum of 5,000 square feet of buildings and paved surfaces for that portion of the adjacent property that naturally drained to the Department's right-of-way, provided it is not part of a larger common plan of improvement or sale;

2. The improvement does not create or alter ~~includes no work to be done on the Department's right-of-way which creates or alters~~ a drainage connection;

3. The improvement does not change flow patterns of stormwater to the Department's right of way, and does not increase the surface area draining to the Department's right of way.

~~4.3.~~ The property is located in a watershed which has a positive outlet.

5. The site or improvement is not part of a larger common plan of improvement or sale.

Any of the foregoing exceptions shall be revoked if any drainage connection from the adjacent property threatens the safety and integrity of the Department of Transportation facilities or creates an unreasonable burden on lower properties, including violations of applicable water quality standards.

(2) Permit. All improvements that are not exempted in subsection Rule 14-86.003(1), F.A.C., require a Drainage Connection Permit, Form 850-040-XX( /07), whether or not the work is done in conjunction with a driveway connection and whether or not the improvement retains stormwater runoff on the adjacent property to and including the 100 year event of critical duration vehicular connection.

(3) Assurance Requirements.

(a) The applicant for a drainage connection permit shall provide reasonable assurances that:

1. The peak discharge rates and/or total volumes of stormwater discharging from the adjacent property to the Department's right of way are those provided for in an approved stormwater management plan or master drainage plan; otherwise the post-improvement stormwater runoff discharge from the adjacent property to the Department's right of way under control of the applicant shall not exceed the more stringent of the following:

a. The peak discharge rates and/or total volumes allowed by applicable local regulation; or

b. The improvement pre-improvement peak stormwater runoff discharge rates shall not increase stormwater discharge be increased, and in addition in watersheds which do not have a positive outlet, the post-improvement stormwater runoff total volumes shall not be increased above the pre-improvement condition, and in watersheds which do not have a positive outlet, the post-improvement total volume of stormwater runoff shall not be increased considering worst case storms for up to the frequencies and durations contained in paragraph 14-86.003(3)(c), F.A.C.

2. Any discharge pipe establishing or constituting a drainage connection to the Department's right of way shall be limited in size based on the pre-improvement discharge rate, downstream conveyance limitations, and downstream tailwater influences. The applicant's stormwater runoff discharge coming to the Department's facility through the created features of the drainage connection may not exceed its prorata share allowed by either the design capacity of the Department's facility or by other governmental entities.

3. If the improvement changes the inflow pattern of stormwater or method of drainage connection to the Department's right of way, the applicant shall demonstrate that post-improvement discharge will not exceed the pre-improvement discharge to the Department's right of way and that any new drainage connection does not threaten the safety or integrity of the Department's right of way and does not unreasonably increase maintenance costs to the Department. This demonstration shall at a minimum include analyzing pavement hydraulics, ditch hydraulics, storm drain hydraulics, cross drain hydraulics, and stormwater management facilities. The analysis must follow the methodology used in the design of the Department's facilities receiving the discharge and meet the criteria in the

Department's Drainage Manual, Topic Number 625-040-002-c, January 2008, incorporated herein by reference. The Drainage Manual is available on from the Department at: <http://www.dot.state.fl.us/rddesign/dr/Manualsandhandbooks.htm>.

~~4.3.~~ The quality of water conveyed by the connection meets all applicable water quality standards ~~or minimum design and performance standards~~, and such assurance shall be certified in writing. In the event the discharge is identified causing or contributing to a violation of applicable water quality standards, the permittee will be required to incorporate such abatement as necessary to bring the permittee's discharge into compliance with applicable standards.

(b) If the requirements set forth in paragraph Rule 14-86.003(3)(a), F.A.C. cannot reasonably be fully complied with, the applicant may submit alternative drainage connection designs which will require the approval of the District Secretary. The analysis supporting the proposed alternative connection must follow the methodology used in the design of the Department's facilities receiving the proposed alternative drainage connection and meet the criteria of the Department's Drainage Manual. Acceptance of any alternative designs must serve shall be based upon maximum achievement of the purpose of this rule chapter and shall be based upon consideration of the following:

1. The type of stormwater management practice proposed;
2. The probable efficacy and costs of alternative controls;
3. The impact upon the operation and maintenance of the Department's facilities facility; and
4. The public interest served by the drainage connection.

(c) In providing reasonable assurances, the applicant shall:

1. Use a methodology which is compatible with the methodology employed used in the design of the Department's facilities receiving the stormwater facility; and

2. Determine the peak ~~stormwater runoff~~ discharge rates considering various rainfall event frequencies up to and including a 100 year event of critical duration of up to three days; and

3. In watersheds without a positive outlet, determine the stormwater runoff total volumes considering various rainfall amounts up to a 100 year rainfall frequency of critical durations of up to ten days. The retention volume required to comply with this rule must meet the pond recovery criteria in the Department's Drainage Manual.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended \_\_\_\_\_,

14-86.004 Permit Application Procedure.

(1) An applicant shall submit a Drainage Connection Permit, apply for a drainage connection permit on Form 850-040-06 (07/07), incorporated herein by reference 592-12.

~~This These~~ forms may be obtained from any of the Department's local area Maintenance Offices, District Offices, or on the internet at the Department's website: <http://www2.dot.state.fl.us/proceduraldocuments/forms/forms.asp>. ~~regional maintenance offices.~~

(2) The applicant shall submit four completed Drainage Connection Permits application forms. Each completed Drainage Connection Permit form shall include all required attachments. All required signed and sealed plans and supporting documentation shall be submitted on no larger than 11" x 17" multipurpose paper and included in PDF format on a CD.

~~(3) When the improvement is for agricultural or silvicultural use and is not exempt under paragraph 14-86.003(1)(b), F.A.C., or the improvement is a residential duplex, triplex, or quadraplex structure which is not part of a larger common plan of improvement, and when the improvement will have less than 10,000 square feet of buildings and paved surfaces of which no more than 5,000 square feet is located within 250 feet of the Department's right-of-way line; in lieu of providing the information required in subsection 14-86.004(4), F.A.C., below, the activity description required on the permit form may be expanded to contain sufficient information to provide the reasonable assurances required in subsection 14-86.003(3), F.A.C. However, the applicant shall certify full knowledge of and intent to comply with the conditions for issuance of the permit.~~

~~(3)(4) The Drainage Connection Permit shall be accompanied by: For improvements other than those specified in subsection 14-86.004(3), F.A.C., the permit application shall be accompanied by:~~

~~(a) A location map, included in the construction plans, sufficient to show the location of the improvement and any drainage connection to the Department's right of way, and shall include the state highway number, county, city, and section, range, and township. An affidavit of ownership or control of the property, a legal description of the property, and a statement that the total contiguous property owned or controlled by the applicant is that shown and described.~~

~~(b) A map sufficient to show the location of the improvement and the drainage connection, and as applicable shall include the state highway number, county, city, and section, range, and township.~~

~~(b)(e) A grading plan drawn to scale showing pre-improvement and post-improvement site conditions including all pervious and impervious surfaces, land contours, spot elevations, and all drainage facilities both of the Department and of the adjacent property improvement. Existing conditions will be accepted only if pre-improvement conditions cannot be established. The bench mark datum for the plans (whether NGVD 29 or NAVD 88) shall be noted on the plans. Elevations shall be based upon National Geodetic Vertical Datum (NGVD). Contour information shall extend 50~~

feet beyond the property boundaries or be sufficient to clearly define the portion of the watershed which drains through the property to the Department's right of way facilities.

~~(c)(d)~~ Sufficient photographs to accurately depict pre-improvement and present conditions. Photographs to accurately depict pre-improvement and present conditions.

~~(d)(e)~~ Sufficient soil borings and water table data and, where percolation or infiltration is utilized in the design, appropriate percolation test methodology and results.

~~(e)(f)~~ Computations as required by subsection 14-86.003(3), F.A.C.

~~(f)(g)~~ The Drainage Connection Certification by an, Part 3 of the permit application must be certified by a Licensed Professional Engineer that the complete set of plans and computations comply with either one of the following Rules: paragraph 14-86.003(3)(a) or 14-86.003(3)(b), F.A.C.

(4) Improvements which otherwise meet the criteria of subparagraphs 14-86.003(1)(c)1. and 14-86.003(1)(c)4., F.A.C., but which create or alter a drainage connection to the Department's right of way, will not require submittal of the information required by paragraphs 14-86.004(3)(d) through (f), F.A.C., but will otherwise require the submittal of all other required information.

~~(5) Permits requested pursuant to subsection 14-86.003(2), F.A.C., which meet the criteria of subparagraphs 14-86.003(1)(e)1. and 14-86.003(1)(e)3., F.A.C., but which require work to be done on the Department's right of way contrary to subparagraph 14-86.003(1)(e)2., F.A.C., will not require submittal of the information required by paragraphs 14-86.004(4)(e) through (g), F.A.C.~~

~~(5)(6)~~ The Department recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, and state or federal agencies which may overlap with some or all of the requirements of this rule ~~chapter~~. In order to avoid duplication the Department may ~~will~~:

(a) In lieu of the requirements in Rules 14-86.003 and subsection 14-86.004(4), F.A.C., accept a permit that accomplishes the purposes of this rule chapter so long as the permit is issued by a governmental entity with specific stormwater management authority and Surface Water Management Permit issued by a Water Management District, a Surface Water Management Permit issued by a delegated local government or a permit issued pursuant to an approved Stormwater Management Plan or Master Drainage Plan; provided, issuance is based on requirements equal to or more stringent than those in Rule 14-86.003, F.A.C.; or

(b) Accept any form, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a governmental entity the appropriate agency, pursuant to any rule which establishes requirements equal to or more stringent than Rules 14-86.003, F.A.C., in lieu of any such submittals required by Rule 14-86.004.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended.

14-86.005 General Conditions for a Drainage Permit.

(1) A ~~Department~~ Drainage Connection Permit does not exempt the permittee from meeting all other applicable regulations and ordinances governing ~~for~~ stormwater management.

(2) All work done in conjunction with the drainage connection permit shall meet and adhere to all general and specific conditions and requirements contained on the Permit.

(3) Within 15 days after completion of the work authorized by an approved Drainage Connection Permit, the permittee applicant shall notify the Department in writing of the completion; and for all design work that originally required certification by Licensed Professional an Engineer, this notification shall contain the As Built Ceertification, Part 8 of the Permit. The certification shall state that work has been completed in substantial compliance with the Drainage Connection Permit.

(4) This rule does not address or authorize the discharge of groundwater, treated or untreated, to the Department's right of way.

~~(5)(4)~~ The permittee or property owner, jointly and severably, will be required to reimburse the Department for any expenses (fees, fines, penalties, abatement costs, clean up, etc.) incurred by the Department in the event the permittee's discharge fails to meet the applicable water quality standards or minimum design and performance standards contrary to the permittee's assurances provided in subsection Rule 14-86.003(3), F.A.C.

Specific Authority 334.044(2), (15) FS. Law Implemented 334.03 (1), (10)(a), (15), 336.045(1), 337.401(1) (17), (22), 334.035, 334.044(1), (12), (13), (27), 335.04(2), 335.10(2), 339.155(2)(a), (f) FS. History—New 11-12-86, Amended.

14-86.006 Permit and Exception, Suspension, or Revocation.

A permit may be suspended or revoked if:

(1) The permitted drainage connection is not constructed, operated, or maintained in accordance with the permit;

(2) Emergency conditions or hazards exist;

(3) False or misleading information is submitted to the Department in the Drainage Connection Permit form;

~~(4) The As-built Ceertificate required for the Drainage Connection Permit form is not submitted in accordance with subsection required in Rule 14-86.005(3), F.A.C. is not timely submitted.~~

(5) Any unpermitted discharge from the adjacent property occurs.





SPECIFIC AUTHORITY: 120.54(5)(b)8., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-104.005 Time for Consideration of Emergency Petition.

(1) No change.

(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. ~~Any interested persons or other agencies~~ may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(3) through (5) No change.

Specific Authority 120.54(5)(b)8., 120.542(3) FS. Law Implemented 120.542(3) FS. History–New 4-1-97, Amended 1-15-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.301  
 RULE TITLE: Initiation of Proceedings

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reflect statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Initiation of proceedings.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) through (e) No change.

(f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action; ~~and~~

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency’s proposed action; and

(h) A statement that no material facts are in dispute.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History–New 4-1-97, Amended 9-17-98, 1-15-07,\_\_\_\_\_.

**ADMINISTRATION COMMISSION**

RULE NO.: 28-106.302  
 RULE TITLE: Notice of Proceeding

PURPOSE AND EFFECT: The purpose of the proposed amendment is to add statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Notice of proceeding.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.302 Notice of Proceeding.

(1) No change.

(2) The agency may schedule a hearing on the matter for the purpose of taking oral evidence or argument. If it does so, the agency shall serve written notice at least 14 days prior to the hearing, setting forth the place, date, and time of the hearing, and legal authority and jurisdiction under which the hearing is to held.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History--New 4-1-97, Amended 3-18-98,\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NO.: 28-106.501 RULE TITLE: Emergency Action

PURPOSE AND EFFECT: The purpose of the proposed amendment is to clarify the rule and comport with statutory language.

SUBJECT AREA TO BE ADDRESSED: Emergency action.

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.60(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, FL 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.501 Emergency Action.

(1) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency action, the agency shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law.

(2) The agency's emergency order shall include a notice of the licensee's (or person or entity subject to the agency's jurisdiction) right to an immediate appeal of the emergency final order pursuant to Section 120.569(2)(n) or 120.60(6), F.S.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History--New 1-15-07, Amended\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NO.: 28-106.601 RULE TITLE: Conflict

PURPOSE AND EFFECT: The purpose of the proposed rule is to address conflicts of interest when an agency is entering a final order.

SUBJECT AREA TO BE ADDRESSED: Conflicts of interest for agency attorneys.

SPECIFIC AUTHORITY: 120.54(5), F.S.

LAW IMPLEMENTED: 120.569, 120.57, 120.60, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Part VI Conflict

28-106.601 Conflict.

Following receipt of a recommended order, the agency attorney or qualified representative who acts on behalf of the agency in the conduct of the hearing will not serve as legal advisor to the agency head during subsequent proceedings which result in the issuance of the final order.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History--New\_\_\_\_\_.

ADMINISTRATION COMMISSION

RULE NOS.: 28-112.001, 28-112.002 RULE TITLES: Petition for Exception to Uniform Rules Relating to State Employment, Final Disposition on Petition for Exception

PURPOSE AND EFFECT: Proposed new rules address petitions for exception to uniform rules relating to state employment.

SUBJECT AREA TO BE ADDRESSED: Petitions for exception to uniform rules relating to state employment and the final disposition on petitions for exception.

SPECIFIC AUTHORITY: 14.202 FS.

LAW IMPLEMENTED: 110.201, 110.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

EXCEPTION TO UNIFORM RULES RELATING TO STATE EMPLOYMENT

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) The agency head shall file a petition with the Administration Commission for an exception to uniform rules as provided in Sections 110.201(1)(b) and 110.217, F.S., that includes the following:

- (a) Grounds for the request for the exception.
- (b) Citation to the particular uniform rule for which each exception is sought.
- (c) Specific citation to the provisions of existing agency rule for which an exception is sought, if any.
- (d) Attachment of the proposed rule language as an exhibit to the petition.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

- (a) The name of the agency seeking an exception;
- (b) The uniform rule from which the exception is sought;
- (c) The date the matter is expected to be heard by the Administration Commission; and
- (d) The contact name, address, and phone number where a copy of the petition may be obtained.

(3) The Administration Commission shall provide interested persons with the opportunity to file written statements or make oral presentations in support of or in opposition to the exception.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History--New \_\_\_\_\_.

28-112.002 Final Disposition on Petition for Exception.

The Administration Commission shall publish, at the agency's expense, notice in the next available edition of the Florida Administrative Weekly of the disposition of the petition, and

shall transmit a copy of the notice to the Joint Administrative Procedures Committee, the Department of State, and any person who requests a copy.

Specific Authority 14.202 FS. Law Implemented 110.201, 110.217 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-208.003  
 RULE TITLE: Range of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of disciplinary actions that can be appealed and the entities to which they may be appealed.

SUBJECT AREA TO BE ADDRESSED: Appeal of employee disciplinary action.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving ~~reassignment, transfer in excess of 50 miles,~~ suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission Career Service Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Officer Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

(1) through (35) No change.

Specific Authority 944.09 FS. Law Implemented 110.227, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History–New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: The District previously published a notice of rule development in the December 9, 2005, Volume 31, Number 49 issue of the Florida Administrative Weekly. The purpose of this second notice of rule development is to incorporate by reference an Agreement between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program. Miami-Dade County will be delegated authority to review and issue environmental resource permits in uplands and wetlands within the designated boundaries of delegation. Authority for compliance and enforcement of these projects will also be delegated. Projects within the boundaries of the Comprehensive Everglades Restoration Project, sovereign submerged lands, and certain other activities will not be delegated to the County and will remain with the Department of Environmental Protection or the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: To incorporate by reference an Agreement between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.103(8), 373.113, 373.171, 373.413, 373.418, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.046, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: October 9, 2007, 10:00 a.m.

PLACE: Miami-Dade County Department of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Building, 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Department Director – Regulation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) through (k) No change.

(1) Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County.

(2) No change.

Specific Authority 373.044, 373.046, 373.103(8), 373.113, 373.171, 373.413, 373.418, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.046, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-400.315  
 RULE TITLE: No Notice General Permit for Activities in Uplands

**PURPOSE AND EFFECT:** The District previously published a notice of rule development in the December 16, 2005, Volume 31, Number 50 issue of the Florida Administrative Weekly. The purpose of this second notice is to delete language containing a partial delegation to Miami-Dade County as a new delegation will be addressed through the Agreement for Delegation of a Portion of the Environmental Resource Permitting Program between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County.

**SUBJECT AREA TO BE ADDRESSED:** Thresholds and additional conditions within Miami-Dade County for no notice general permits for activities in uplands.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

**LAW IMPLEMENTED:** 373.118, 373.413, 373.416, 373.426 FS.

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

**DATE AND TIME:** October 9, 2007, 10:00 a.m.  
**PLACE:** Miami-Dade County Department of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Building, 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Damon Meiers, Deputy Department Director – Regulation, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

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

40E-400.315 No Notice General Permit for Activities in Uplands.

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

~~(b) Thresholds and Additional Conditions Within Dade County.~~

~~1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.~~

~~2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.~~

~~(b)(e) Thresholds and Additional Conditions Within Collier County.~~

- 1. The project must have less than 40 acres total land area.
- 2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0101  
 RULE TITLE: Product Displays

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for product displays to be given without being considered unlawful gifts, loans of money or property, or rebates.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

**SPECIFIC AUTHORITY:** 561.11 FS.

**LAW IMPLEMENTED:** 561.08, 561.42 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Lisa Livezey Comingore, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic

Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 40, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0102                      RULE TITLE: Point of Sale Advertising Items

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for point of sale advertising items to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0103                      RULE TITLE: Consumer Advertising Specialty Items

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for consumer advertising specialty items to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0104                      RULE TITLE: Alcoholic Beverage Samples

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for alcoholic beverage samples to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0105               Brand Images

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for brand images to be provided without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0106               Advertisements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for advertisements to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.:                   RULE TITLE:  
61A-1.0107               Inside Signs Advertising Brands

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for inside signs advertising brands to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0108                      RULE TITLE: Combination Packages

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for combination packages to be provided without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.0109                      RULE TITLE: Point of Sale Coupons

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for point of sale coupons to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01010                      RULE TITLE: Premium Offers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for premium offers to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01011                      RULE TITLE: Sweepstakes, Drawings, or Contests  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for sweepstakes, drawings, or contests to be provided without being considered unlawful gifts, loans of money or property, or rebates.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.  
 SPECIFIC AUTHORITY: 561.11 FS.  
 LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01012                      RULE TITLE: Vendor’s Property Included in Contests or Sweepstakes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for a vendor’s property to be included in contests or sweepstakes without being considered unlawful gifts, loans of money or property, or rebates.  
 SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.  
 SPECIFIC AUTHORITY: 561.11 FS.  
 LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01013                      RULE TITLE: Vendor-Sponsored Tournaments

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for participation in vendor-sponsored tournaments to not be considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.  
 LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01014  
RULE TITLE: Gifts to Those Who Are Not Licensed Vendors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for gifts for those who are not licensed vendors to be given without being considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-1.01015  
RULE TITLE: Private Labels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to reformat the original Approved Advertising and Promotional Gifts rule and to set out what conditions must be met in order for vendor ownership of private labels to not be considered unlawful gifts, loans of money or property, or rebates.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to approved advertising and promotional gifts as they pertain to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-1.011  
RULE TITLE: License Fees and Examination Fees

PURPOSE AND EFFECT: The Commission will be reviewing the license and examination fees, and will eliminate the Fingerprinting Card Processing fees.

SUBJECT AREA TO BE ADDRESSED: License Fees and Examination Fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                    RULE TITLE:  
62-113.100                    Purpose

PURPOSE AND EFFECT: The Department proposes to repeal the partial delegation of the stormwater discharge permitting program under Chapter 62-25, F.A.C., to the City of Tallahassee. This delegation was granted to the City on January 29, 1998, per the Delegation Agreement incorporated by reference in paragraph 62-113.100(2)(o), F.A.C. With the exception of certain activities authorized in accordance with Section 373.4145(6), F.S., Chapter 62-25, F.A.C., will no longer be used to authorize new stormwater management systems within the geographic limits of the Northwest Florida Water Management District, including within the City of Tallahassee, beginning on October 1, 2007, when Phase 1 of the new Environmental Resource Permit (ERP) program authorized under Section 373.4145, F.S., becomes effective. The City has elected, at this time, not to pursue delegation of the new ERP program. Therefore, the Department has served notice to the City of its intent to terminate the Delegation Agreement, effective on the close of business, Friday, September 28, 2007, and must repeal the incorporation by reference of this Agreement in Chapter 62-113, F.A.C. However, the City will remain responsible for the review and agency action on applications for stormwater general permits under the terms of the Delegation Agreement that are complete on or before September 28, 2007. The City also will remain responsible for compliance and enforcement for those stormwater discharge systems that were permitted by the City under the terms of the Delegation Agreement. The review, agency action, compliance, and enforcement on all other applications for new stormwater management systems that require a permit under the ERP rules authorized under Section 373.4145, F.S., on or after October 1, 2007, will be the responsibility of the Department or the Northwest Florida Water Management District, in accordance with those rules. This repeal will not change the authority of the City to continue requiring a separate authorization to construct and operate such systems after the termination of the Delegation Agreement.

SUBJECT AREA TO BE ADDRESSED: Repeal of the Delegation Agreement incorporated by reference in paragraph 62-113.100(2)(o), F.A.C., regarding the authority of the City to review and take agency action on stormwater general permits under Chapter 62-25, F.A.C., on behalf of the Department.

SPECIFIC AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Van Tassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this rule development also may be obtained from the Department’s web site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Tracking No. 07-1298)

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

62-113.100 Purpose.

(1) No change.

(2) Delegations to political subdivisions.

(a) through (n) No change.

~~(o) #98-1: Delegation Agreement Concerning Stormwater Between the Department of Environmental Protection and the City of Tallahassee. Date signed January 29, 1998.~~

~~(o)(p) No change.~~

(3) No change.

Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History–New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                    RULE TITLE:  
62-113.100                    Purpose

PURPOSE AND EFFECT: To incorporate by reference an Agreement between the Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program. Miami-Dade County will be delegated authority to review and issue environmental resource permits in uplands and wetlands within the designated boundaries of delegation. Authority for compliance and enforcement of these projects will also be delegated. Projects that are within Comprehensive Everglades Restoration Project boundaries, sovereign submerged lands, and certain other activities will not be delegated to the County and will remain with the Department of Environmental Protection or the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: To incorporate by reference an Agreement between the Department, the South Florida Water Management District and Miami-Dade County for delegation of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 FS.

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

DATE AND TIME: Tuesday, October 9, 2007, 10:00 a.m.

PLACE: Miami-Dade County Dept. of Environmental Resources Management, 2nd Floor Training Room of the Overtown Transit Village Bldg., 701 N.W. 1 Court, Miami, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC Tracking No. 05-2688)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-113.100 Purpose.

- (1) No change.
- (2) Delegations to political subdivisions.
- (a) through (p) No change.

(q) #07-X: Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the Florida Department of Environmental Protection, the South Florida Water Management District and Miami-Dade County [Effective Date].

(3) No change.

Specific Authority 373.043, 373.046, 373.418, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History--New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-213.205  
 RULE TITLE: Annual Emissions Fee

PURPOSE AND EFFECT: The proposed rule development involves amendments to Chapter 62-213, F.A.C., to increase the annual Title V emissions fee factor, and to provide that the Title V permit serve as written notice to the Title V source of the annual requirement for submission of the emissions fee. This notice corrects the Notice of Rule Development that was published on July 13, 2007.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the department's EPA-approved Title V air operation permit program.

SPECIFIC AUTHORITY: 403.061, 403.0872 FS.

LAW IMPLEMENTED: 403.087, 403.0872 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Trina Vielhauer at (850)921-9503 or [trina.vielhauer@dep.state.fl.us](mailto:trina.vielhauer@dep.state.fl.us)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice, which is provided by Title V permit condition ~~from the Department~~, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) For emissions occurring prior to calendar year 2008, ~~the~~ emissions fee factor is \$25. For emissions occurring in calendar year 2008 and thereafter, the emissions fee factor is \$30. ~~The emissions fee factor may be increased beyond \$25 only if the Secretary of the Department affirmatively finds that a shortage of revenue for support of the Title V source operation permit program will occur in the absence of a fee factor adjustment. The annual emissions fee factor may never exceed \$35 without legislative approval.~~

(b) through (k) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-2.013  
 RULE TITLE: Dental Examination Requirements and Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise some of the procedures and requirements that are part of the Florida Dental Examination.

SUBJECT AREA TO BE ADDRESSED: Dental examination requirements and grading.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(2), 466.006(4), 466.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-503.005  
 RULE TITLE: Notice to the Department of Mailing Address and Place of Practice of Licensee

PURPOSE AND EFFECT: The Department is creating a new rule to comply with a statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Notice to the Department of Mailing Address and Place of Practice of Licensee.

SPECIFIC AUTHORITY: 456.035 FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Love, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B21-503.005 Notice to the Department of Mailing Address and Place of Practice of Licensee.

(1) Each licensee shall provide either written or electronic notification to the Department of the licensee’s current mailing address and place of practice. The term “mailing address” means home address or P. O. Box where the licensee regularly receives mail. “Place of practice” means the primary physical location where the school psychologist works or practices the profession of school psychology.

(2) Each licensee shall provide either written or electronic notification to the Department of a change of address within 45 days of the change. Written notice shall be provided to: Call Center, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399 or electronic notice to [Medical Quality Assurance@doh.state.fl.us](mailto:MedicalQualityAssurance@doh.state.fl.us).

(3) If electronic notification is used, it is the responsibility of the licensee to ensure that the information is received by the Department.

Specific Authority 456.035 FS. Law Implemented 456.035 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.:	RULE TITLES:
64F-1.001	Authority, Purpose and Applicability
64F-1.002	Definitions
64F-1.003	Vendor Selection and Authorization
64F-1.004	Agreement
64F-1.005	Monitoring of Food Vendors
64F-1.006	Food Vendor Sanctions
64F-1.007	Fair Hearing and Appeals

PURPOSE AND EFFECT: To implement current federal provisions affecting the WIC program and to clarify and expand existing rules.

SUBJECT AREA TO BE ADDRESSED: Proposed rules and rule amendments will implement federal cost containment and confidentiality requirements, will clarify and expand rule provisions for ease of use and will delete provisions contained in federal regulations which will be incorporated by reference.

SPECIFIC AUTHORITY: 383.011(2)(b) FS.

LAW IMPLEMENTED: 383.011(2)(b) FS.

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

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: John Harrison, Bin #A16, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1726; (850)245-4202; john\_harrison@doh.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Harrison, Bin #A16, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1726; (850)245-4202; john\_harrison@doh.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
69I-73.001	Definitions
69I-73.002	Threshold for Recording Property
69I-73.003	Recording of Property
69I-73.004	Marking of Property Records
69I-73.005	Disposition of Property
69I-73.006	Inventory of Property

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 274.02, F.S., which authorizes the Chief Financial Officer to establish by rule the requirements for recording of local government owned property and for the periodic review of such property for inventory purposes.

SUBJECT AREA TO BE ADDRESSED: Recording and inventory requirements for local government owned property.

SPECIFIC AUTHORITY: 274.02 FS.

LAW IMPLEMENTED: 274.01, 274.02 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: Wednesday, September 5, 2007, 10:00 a.m.

PLACE: Room 430, Fletcher Building, 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: Burton Marshall, (850)413-5588 or

burton.marshall@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Burton Marshall, Chief, Bureau of Local Government, 200 East Gaines Street, Tallahassee, FL 32399-0354, (850)413-5588 or burton.marshall@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS

69I-73.001 Definitions.

(1) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records which establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and, through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any time.

(2) “Cost” means acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property exchanged by custodian in satisfaction of a portion of purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(3) “Custodian” means, without limitation, any elected or appointed officer, board, commission or authority, or any other person or agency entitled to lawful custody of property owned by the local government.

(4) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and, from whom the custodian receives custody receipts.

(5) “Data Processing Software” has the meaning set forth in Section 119.011(6), F.S. Data processing software is not considered to be property within the meaning of these rules.

(6) “Depreciated Cost” means cost less accumulated depreciation.

(7) “Financial System” means the fund accounting process used by the local government for recording cash and other financial resources, expenditures and other financial uses, together with all related liabilities and residual equities or balances.

(8) “Fiscal Year” means the governmental unit’s fiscal year established pursuant to law.

(9) “Governmental Unit” has the meaning set forth in Section 274.01(1), F.S.

(10) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and for the purpose of differentiating one item of property from another.

(11) “Property” has the meaning set forth in Section 274.02(1), F.S.

(12) “Unaccounted for Property” means property held by a custodian, subject to the accountability provisions of Section 274.03, F.S., which cannot be physically located by the custodian or custodian’s delegate, which property has not been otherwise lawfully disposed of.

(13) “Value” means the worth or fair market value at the date of acquisitions for donated property.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

#### 69I-73.002 Threshold for Recording Property.

All property with a value or cost of \$1,000 or more and projected useful life of 1 year or more shall be recorded in the local government’s financial system as property for inventory purposes.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

#### 69I-73.003 Recording of Property.

(1) Maintenance of Property Records – Governmental units shall maintain adequate records of property in their custody. The records shall contain at a minimum, the information required by these rules.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group. A property group may be accounted for in one record if the component items are separately identified within the record. Examples of property items subject to group accountability include, but are not limited to, modular furniture, computer components, book sets, and similar association of items. All property group items, the total value or cost which is equal to or greater than \$1,000 shall be inventoried under this rule.

(3) Content of Individual Property Records – Each property record shall include the following information:

(a) Identification number.

(b) Description of item or items.

(c) Physical location (the city, county, address or building name, and room number therein).

(d) Name of custodian with assigned responsibility for the item.

(e) In the case of a property group, the number and description of the component items comprising the group.

(f) Name, make or manufacturer if applicable.

(g) Year and/or model(s) if applicable.

(h) Manufacturer’s serial number(s) if any, and if an automobile, vehicle identification number (VIN) and title certificate number if applicable.

(i) Date acquired.

(j) Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined by appropriate methods and recorded. Estimated historical costs shall be identified in the record and the basis of determination established in the governmental unit’s public records. The basis of valuation for property items constructed by personnel of the governmental unit shall be the costs of material, direct labor and overhead costs identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a property item shall include ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include expenditures that are directly attributable to asset acquisition, such as freight and transportation charges, installation costs and professional fees.

(k) Method of acquisition and, for purchased items, the voucher and check or warrant number.

(l) Date the item was last physically inventoried and the condition of the item at that date.

(m) If disposed of, the information prescribed in Rule 69I-73.005, F.A.C. The local government may include any other information on the individual property record that the governmental unit may care to include.

(4) Control Accounts – A governmental unit-wide control account showing the total cost or value of the custodian’s property shall be maintained. A governmental unit may keep additional control accounts for property to the extent deemed necessary for different funds or sub-funds. Control accounts shall not be established by periodically summarizing the costs or values recorded on the individual property records. Rather, entries to control accounts shall be derived from documents evidencing transactions affecting the acquisition, transfer or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) Depreciation shall be recorded to meet local governments’ financial reporting requirements relating to depreciation accounting. However, depreciation shall not be recorded on the individual property records or in control accounts in such a manner as to reduce the recorded acquisition cost or value (i.e., depreciation shall be recorded as an item separate from the acquisition cost).

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.004 Marking of Property Records.

(1) Marking of Property – Each property item shall be permanently marked with the identification number assigned to that item to establish its identity and ownership by the governmental unit holding title to the item. The marking shall visually display the property identification number of the item and may include an electronic scanning code (“barcode”) to facilitate electronic inventory procedures.

(2) Exemptions for Marking Property – Any item of property whose value or utility would be significantly impaired by the attachment or inscription of the property identification number, is exempt from the requirement for physical marking. However, the custodian’s property records shall contain sufficient descriptive data to permit positive identification of such items.

(3) Location of Marking – Items of a similar nature shall be marked in a similar manner to facilitate identification. In determining a marking location, careful consideration shall be given to the intended use of the items; the probability that the marking could be obliterated by wear, vandalism or routine maintenance functions; and, the appropriateness of the marking method chosen. Additionally, the location of the marking and the marking method chosen shall not mar the appearance of the item. When utilizing an electronic scanning format system, electronic codes shall be placed on property in the same manner as other markings specified in this section.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.005 Disposition of Property.

(1) Methods of Disposition – Property within the meaning of these rules may be lawfully disposed of, as provided in Sections 274.05, 274.06 and 274.07, F.S. Property of the governmental unit which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See Rule 69I-73.006, F.A.C.).

(2) Required Information – The following information shall be recorded on the individual property record for each item lawfully disposed of, pursuant to Sections 274.05, 274.06 or 274.07, F.S.:

(a) Date of disposition.

(b) Authority for disposition (resolution of the governing body properly recorded in the minutes as required by Section 274.07, F.S.).

(c) Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).

(d) Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.

(e) For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).

(f) For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 274.05 or 274.06, F.S.

(3) Transfer of Property Records – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) Control Account – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

69I-73.006 Inventory of Property.

(1) Physical Inventory Required – Each governmental unit shall ensure a complete physical inventory of all property is taken annually and whenever there is a change of custodian or change of custodian’s delegate.

(2) Inventory Forms – The form used to record the physical inventory pursuant to Section 274.02(1), F.S., shall be at the discretion of the governmental unit. However, the form shall display at a minimum for each property item, the following information:

(a) Date of inventory.

(b) Identification number.

(c) Existence of property item (or not).

(d) Physical location (the city, county, address or building name and room number therein).

(e) Present physical condition.

(f) Name and signature of the employee or other individual attesting to the existence of the item.

(g) In the case of a property group, the number and description of the component items comprising the group.

(3) Electronic scanning format used for the identification number is acceptable only if the recorded data is downloadable to a computer and can then be used to generate reports that will include all information required on the hardcopy inventory form.

(4) Unrecorded Property – Any property item found during the conduct of an inventory which meets the requirements for accounting and control as defined in Rule 69I-71.003, F.A.C., and which item is not included on the inventory forms described above, shall have an inventory form created for the item when located. After appropriate investigation to establish the ownership of the item, it shall be added to the governmental unit’s property records or, if ownership cannot be reasonably established, the item may be disposed of in the manner provided by law as applicable to surplus property, pursuant to Sections 274.05 and 274.06, F.S.

(5) Custodian Delegate Shall Not Inventory Certain Items – The custodian delegate shall not personally inventory items for which they are responsible.



(6) Reconciliation of Inventory to Property Records – Upon completion of a physical inventory:

(a) The data listed on the inventory forms shall be compared with the individual property records. Noted differences such as location, condition and custodian shall be investigated and corrected as appropriate or alternatively, the item shall be relocated to its assigned location and custodian in the individual property record.

(b) Items not located during the inventory process shall be promptly reported to the governmental unit which shall cause a thorough investigation to be made. If the investigation determines that the item was stolen, the individual property record shall be so noted, and a report filed with the appropriate law enforcement agency describing the missing item and the circumstances surrounding its disappearance.

(7) Unaccounted for Property – For items identified as unaccounted for and reported to the State’s Chief Financial Officer, recording of the items as dispositions, or otherwise removing of the items from the property records, shall be subjected to approval of the State’s Chief Financial Officer, as provided in Section 17.041, F.S., and Rule 69I-71.003, F.A.C.

Specific Authority 274.02 FS. Law Implemented 274.02 FS. History–New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5F-14.001	General
5F-14.002	Definitions
5F-14.003	Grant Proposals; Criteria; Ranking; Award

**PURPOSE AND EFFECT:** This proposed new rule is for the purpose of implementing the statutory requirements of Section 570.975, Florida Statutes, established by the Florida Legislature to provide funding for renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects.

**SUMMARY:** The rule establishes administrative guidelines for implementing Section 570.975, Florida Statutes, including criteria for grant eligibility and allocation, grant evaluation and methods of funds approval and disbursements.

**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: 570.957 FS.

LAW IMPLEMENTED: 570.957 FS.

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

DATE AND TIME: September 10, 2007, 10:00 a.m.

PLACE: George Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Tom Steckler, Deputy Director, Division of Standards, Conner Building, 3125 Conner Blvd., Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax (850)922-8971. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Steckler, Deputy Director, Division of Standards, Conner Building, 3125 Conner Blvd., Suite E, Tallahassee, FL 32399-1650; Phone: (850)488-0645; Fax (850)922-8971

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-14.001 General.

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

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

5F-14.002 Definitions.

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

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

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