

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 372.16, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUBJECT AREA TO BE ADDRESSED: Establishment and operation of game farms in Florida.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.16 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: Captain Linda E. Harrison, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NO.: 2B-1.002
RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule amendments are intended to include Chapter 106 in the definition rule.

SUMMARY: The proposed rule amendments clarify that the definitions include Chapter 106, F.S.

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: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104 or 106, F.S, the following definitions shall apply:

(1) A person acts "willful" or "willfully" when he or she knew that, or showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104 or 106, F.S.

(2) "Knew" means that the person was aware of a provision of Chapter 104 or 106, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) "Reckless disregard" means that the person disregarded the requirements of Chapter 104 or 106, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104 or 106, F.S., or whether he or she failed to perform an act required by Chapter 104 or 106, F.S.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History--New 9-11-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Elections Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Elections Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-46.001
RULE TITLE: Utilities Installation or Adjustment

PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised Utility Accommodation Manual and revised Utility Permit form.

SUMMARY: The Utility Accommodation Manual is being amended.

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: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right of way, in the interest of safety and the protection, utilization, and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual*, ~~October 2007, August 2004~~ edition, FDOT Document No. 710-020-001-~~fe~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. This *Utility Accommodation Manual* (UAM) also incorporates by reference and makes part of this rule additional documents, namely those contained in the UAM section entitled "References." The extent to which these documents are made a part of this rule through incorporation by reference into the UAM is limited to the scope of application(s) specifically referenced within the text of the UAM, subject to any modifications, exceptions, or qualifications set forth in the UAM. Copies of this document are available from the FDOT Maps and Publications Office ~~via the Office of Roadway Design, Utility Section~~ at 605 Suwannee Street, MS ~~12 32~~, Tallahassee, Florida 32399-0450, or the ~~FDOT Department~~ Utility Web Site: <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. ~~10/07 08/04~~, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. ~~10/07 08/04~~, are available from the ~~FDOT Department~~ Utility Web Site listed above.

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas R. Bane, State Utilities Engineer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 31, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.001
RULE TITLE: Application

PURPOSE AND EFFECT: To amend the advance payment contract enrollment application and application process with updated terminology.

SUMMARY: This rule change updates the Florida Prepaid College Plan application form and application process.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance

payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.002
RULE TITLE: Contract Prices

PURPOSE AND EFFECT: To amend the advance payment contract prices with updated percentages for the annual increases to fees and updated terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan advance payment contract prices with updated percentages for the annual increases to fees for each type of plan.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment cContract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan contract prices are based on the actuarial assumption that university local fees will rise at an average of 5 ~~6~~ percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the tuition differential fee reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the tuition differential fee reaches the maximum level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-4.005
RULE TITLE: Maximum Account Balance Limit
PURPOSE AND EFFECT: To amend the maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) No change.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) Tuition, and local fee, and tuition differential fee plans shall be the most expensive lump-sum contract price for the university then-current average amount of tuition, university and local fee and university tuition differential fee plans, as determined annually by the Board's actuary respectively, charged by the state universities or community colleges for the number of semester credit hours reflected in the contract.

(b) Dormitory plans shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters) as determined annually by the Board's actuary then-current average of the state university dormitory fees for the dormitories specified for inclusion in the Prepaid Program and the number of semesters reflected in the contract.

(3) If the Board receives an application for an advance payment contract or an additional plan as an addendum to an advance payment contract for a beneficiary and the sum of the redemption value of that application's benefit(s) contract, the redemption value of any existing advance payment contract for that beneficiary and the account balance of an Florida College Investment Plan account in the Florida College Investment Plan for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History-New 11-27-02, Amended 12-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.001
RULE TITLE: Contract Types

PURPOSE AND EFFECT: To amend the number and types of plans offered through the advance payment contracts and to update the terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan number and types of plans offered through the advance payment contracts.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Contract Types.

The Florida Prepaid College Board's advance payment contracts program offers purchasers four (4) three different plans: types of tuition, and local fees, plan contracts, tuition differential fees and dormitory, respectively, with an addendum dormitory plan to the university plan or community college plus university plan. However, a purchaser may purchase a dormitory plan contract for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, FAC. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room.

(1) Tuition plans consist of three (3) separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) Local fee plans consist of three (3) separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time ~~that~~ the application is filed. The local fee plan does not cover the tuition differential fee.

(3) Tuition Differential Fee Plans consist of two (2) separate plans:

Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board.

~~(4)(3)~~ Dormitory Plan –

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the contract application is filed.

Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under Section 529 of the Internal Revenue Code.

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan only may be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(c) A purchaser may purchase a dormitory plan for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary.

~~(5)~~(4) The contracts do not cover fees and costs related to books, meals, transportation, ~~graduate—school~~, and institutionally-imposed fees such as laboratory fees.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.002
 RULE TITLE: Contract Benefits

PURPOSE AND EFFECT: To amend the advance payment contract benefits to include the types of plans and to update the terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan payment contract benefits to include the types of plans and to update the terminology.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. ~~The benefits of the purchaser's advance payment fees contracted for the purchaser shall be paid at the time a qualified beneficiary of enrollment of the qualified beneficiary~~ in a state postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The credit hours purchased may be used during any semester of postsecondary ~~undergraduate~~ enrollment. To receive benefits under this program, a qualified beneficiary whose advance payment contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each advance payment contract are available for use by the specified beneficiary for one (1) matriculation each semester; however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

(2)(a) To be eligible to receive dormitory plan benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The dormitory residence plan is not available for use during the summer term.

(b) The dormitory plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the state university. Where a state university does not offer a double-occupancy, air-conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System. ~~The provisions of this paragraph do not apply to qualified beneficiaries who began utilization of the benefits of a dormitory contract prior to January 1, 1999, at a state university that has no double-occupancy, air-conditioned dormitory rooms.~~

(3) Local fee and tuition differential fee plans are contracts will be tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be

remitted with the tuition payment upon the receipt of a tuition invoice for ~~an~~ beneficiary whose advance payment contract is account composed of these both fee plans contracts. If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.003
 RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: To amend the contract requirements of advance payment contracts to include the tuition differential fee, to clarify how disbursements are made to colleges and universities and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan contract requirements of advance payment contracts to include the tuition differential fee, to clarify how disbursements are made to colleges and universities and to update terminology.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) No change.

(2) Only one (1) qualified beneficiary is allowed per advance payment contract, and a specific beneficiary can be named in only one (1) advance payment contract, provided however, a second advance payment prepaid contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second advance payment prepaid contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to subsection 19B-11.001(2)~~+~~(a), F.A.C. In the event duplicate advance payment contracts for the same beneficiary are processed and the second advance payment prepaid contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the advance payment contract processed first shall be deemed valid and the remaining advance payment contract shall be deemed terminated.

(3) No change.

(4) The benefits of an advance payment contract may be used within three (3) years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize the benefits a contract prior to the selected matriculation date, the purchaser must pay the advance payment contract in full before changing such matriculation date.

(5)(a) The benefits of an advance payment contract may be received for up to a ten- (10) year period after the matriculation date. This ten- (10) year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all ~~contracts~~ plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application ~~form~~, or similar information received subsequently by the Board from the purchaser. The right to use the benefits of an advance payment ~~from a~~ contract shall expire on December 31, ten (10) years after the matriculation date, or any extension thereof.

(b) When the benefits of an advance payment ~~from a~~ contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The purchaser must request in writing that the Board extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;

2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the advance payment contract benefits. An alphabetical list of the names of purchasers of such advance payment contracts ~~accounts~~ shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Advance payment contracts ~~Accounts~~ that are composed of tuition, ~~and~~ local fee and tuition differential fee plans ~~contracts~~ will only be paid if ~~both~~ the tuition plan, ~~account~~ and local fee plan ~~account~~ and tuition differential fee plan ~~account~~ are in good standing. Local fee payments and tuition differential fee payments shall not be remitted to pay tuition for any beneficiary attending a Florida public university or community college. Local fee payments and tuition differential fee payments may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

**STATE BOARD OF ADMINISTRATION
Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.006
RULE TITLE: Limitations on Plan Option Changes

PURPOSE AND EFFECT: To amend the limitations on plan option changes with updated terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan limitations on plan option changes with updated terminology.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.006 Limitations on Plan Option Changes.

(1) A purchaser of an advance payment contract ~~purchaser~~ must notify the Board of a change to the payment option or plan option delineated on such contract before the end of the official contract change period, such dates to be published in the Florida Administrative Weekly. Except as provided in Rule 19B-11.002, F.A.C., no changes in enrollment or payment options will be allowed after this change period.

(2)(a) Advance payment ~~c~~Contract purchasers may make a lump sum prepayment to fully prepay an installment contract with no prepayment penalty.

(b) Advance payment ~~c~~Contract purchasers may make one (1) or more partial prepayments on an installment contract. For purposes of this ~~R~~rule, a partial prepayment is a payment made on an installment contract which is received by the Board prior to the regularly scheduled time for a payment and which is less than the lump sum amount required to fully prepay the installment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due on an installment contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a dormitory, ~~or~~ local fee or tuition differential fee plan, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 5, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-6.001 Fee Schedule

PURPOSE AND EFFECT: To amend the fee schedule with updated fee provisions and terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan fee schedule with updated fee provisions which include the tuition differential fee

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted to ~~for~~ the Board Program.

(b) If the purchaser named on the application for the advance payment contract Program has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for

the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the advance payment contract Program and the Florida College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding tuition differential fee plan to the previously purchased tuition plan.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the tuition plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any tuition plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.

~~The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.~~

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this Rule. If ~~both~~ the tuition, ~~and~~ local fee and tuition differential fee payments are received twenty (20) or more days past the due date, only the tuition plan account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.

(6) Outstanding Fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the advance payment contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the advance payment contract benefits.

(7) Reinstatement Fee – A fifty dollar (\$50.00) fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan account. This fee shall be due on each tuition, local fee, tuition differential fee and dormitory plan account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account plan current.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-9.001 Flexibility

PURPOSE AND EFFECT: To amend the flexibility with which advance payment contract beneficiaries may use their benefits, to include the restriction on the new tuition differential fee plan and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan flexibility with which advance payment contract beneficiaries may use their benefits, to include the restriction on the new tuition differential fee plan.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are plan is designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment contracts purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective tuition rate at the time of the qualified beneficiaries' actual matriculation dates. For example, if the community college tuition rate is two-thirds (2/3) of the university rate at the time of matriculation, three community college credit hours will be used to pay for two (2) university credit hours.

(2) A dormitory plan may not be transferred to a community college plan.

(3) A tuition differential fee plan may not be transferred to a community college plan.

(4)(~~3~~) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/ refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History–New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 5, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
 19B-9.002 Transfer to In-State Independent
 College or University

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state independent colleges or universities to include the transfer of the new tuition differential fee and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan transfer of advance payment contract benefits to in-state independent colleges or universities to include the transfer of the new tuition differential fees.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.002 Transfer to In-State Independent College or University.

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees; and tuition differential fees, respectively, charged by

the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 5, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
 19B-9.003 Transfer to Out-of-State Schools

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to out-of-state colleges or universities to include the transfer of the new tuition differential fee and to update terminology.

SUMMARY: This rule change is being made to amend the Florida Prepaid College Plan transfer of advance payment contract benefits to out-of-state colleges or universities to include the transfer of the new tuition differential fees.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.003 Transfer to Out-of-State Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract. For purposes of such transfers of the tuition, ~~and~~ local and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.005
 RULE TITLE: Transfer to In-State Vocational-Technical Schools

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee and to update terminology.

SUMMARY: This rule change amends the Florida Prepaid College Plan transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee.

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: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.005 Transfer to In-State Vocational-Technical Schools.

A qualified beneficiary of the Florida Prepaid College Program may transfer the benefits of an advance payment contract to an applied technology diploma program or a vocational certificate program conducted by a community college listed in Section 1000.21(3), F.S., or an area technical center operated by a district school board. The amount of such benefits that may be transferred shall not exceed the redemption value. For purposes of a transfer to an applied technology diploma program or vocational certificate program conducted by a community college, the redemption value shall be the amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the community college at the time of matriculation. For purposes of a transfer to an area technical center operated by a district school board, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. If the cost of the fees charged by the community college or area technical center is less than the corresponding fees charged by a state postsecondary education institution, the amount transferred shall not exceed the cost of the fees charged by the community college or area technical center. The amount transferred may only cover the number of semester credit hours stipulated in the original advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 1-3-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-11.001 General

PURPOSE AND EFFECT: To permit beneficiaries who attend state educational institutions which do not charge a tuition differential fee to receive a refund at the current redemptive value of the tuition differential fee plan.

SUMMARY: This rule change Florida Prepaid College Plan permits Florida Prepaid College Plan beneficiaries who attend state educational institutions which do not charge a tuition differential fee to receive a refund at the current redemptive value of the tuition differential fee plan.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory ~~residence~~ plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to Rules 19B-10.001 and 19B-10.002, F.A.C., respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. ~~However, refunds may exceed the amount paid into the fund in the following circumstances:~~

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

(a) A financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services, or

(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

~~(a)(1)~~ If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant.

~~(b)(2)~~ In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum in an amount not to exceed the redemption value of the advance payment contract. Proof of death or disability shall be in such form as required by the Board.

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

~~(3)~~ For purposes of refunds pursuant to ~~paragraph subsection~~ 19B-11.001(2)(a)(1) or (b)(2), F.A.C., for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to ~~paragraph subsection~~ 19B-11.001(2)(a)(1) or (b)(2), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c) F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees charged by the state educational institution at the time of the refund.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2007

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.002
 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to adopt by reference the First Amendment to the Well Construction Permitting Agreement between the Southwest Florida Water Management District and the Marion County Health Department. The effect will be to continue the delegation of authority to the Marion County Health Department to administer the well construction regulatory program in that county for two more years (through October 1, 2009).

SUMMARY: In January 2006, the Southwest Florida Water Management District (SWFWMD) entered into an agreement with the Marion County Health Department (MCHD) which delegated to MCHD authority to administer well construction permitting in those portions of Marion County located within the SWFWMD. The St. Johns River Water Management District similarly delegated authority to MCHD to administer well construction permitting in those portions of Marion County located within that District. The agreement was incorporated by reference into SWFWMD rules. The agreement is now being amended to extend the effective date to October 1, 2009. The proposed rule amendment will incorporate by reference the amended agreement.

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

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.
 (1) through (2) No change.
 (3) The Governing Board hereby incorporates by reference the following documents:
 (a) through (b) No change.
 (c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective May 21, 2006, and the First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective _____, 2007.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.603
 RULE TITLE: Permit Application Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to allow applicants applying for a water use or environmental resource permit or permit modification from the District to submit only one copy of a completed application form, when application is made through the District's on-line permitting process. The effect will be to eliminate the necessity to submit multiple copies of an application form when application for a permit or permit modification is made electronically.

SUMMARY: District rules and application forms require that multiple copies of each application form must be submitted when application is made for a water use permit or environmental resource permit. The District is currently expanding its capability to accept permit applications electronically. To accommodate electronic application submittals in the most efficient manner, submittal of only one copy of the completed application form is necessary, as electronic submittals can be shared among all reviewing staff.

The proposed rule provides that when applications are submitted electronically, only one copy of the submittal is required.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.603 Permit Application Procedures.

(1) A permit application shall be:

(a) through (c) No change.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

(2) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rule amendment is to correct the stated number of days (from 14 days to 21 days) in which to file a petition for hearing concerning District action taken on applications for water use permits; and to delete references to repealed rules. The effect will be to state correctly the time period in which petitions for a hearing may be filed.

SUMMARY: The District's Water Use Information Manual Part B, Basis of Review for Water Use Permit Applications (Basis of Review), sets forth the usual procedures and information used by the District in the review of water use permit applications. Subsection 1.6 of the Basis of Review describes the permit application review process and advises that persons whose substantial interests may be affected by agency action on a permit and who wish to object to such action may file a petition for hearing. The proposed rule amendment will correct the language to state that persons desiring to file a petition for hearing have 21 days from receipt of notice of proposed agency action in which to timely file a petition. The amendment will also delete references to repealed District rules. Rule 40D-2.091, F.A.C., is also amended to incorporate by reference the revised Basis of Review.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review" () ~~(10/07)~~ and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07,_____.

Water Use Permit Information Manual
Part B, Basis of Review

1.6 APPLICATION REVIEW PROCESS

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant’s responsibility to provide the information requested. Staff will notify the Applicant when all information has been received and the application is complete. Once the application is complete, the District must issue or deny the permit within 90 days. Typically, permits authorizing withdrawals < 500,000 gpd will be issued or denied within 60 days.

The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual average withdrawals ≥ 500,000 gpd. District staff typically issues permits authorizing withdrawals of < 500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 21 ~~14~~ days of receipt of the proposed agency action. Procedures for filing a petition for hearing are described in Chapter 120, F.S., and Chapter 28-106, F.A.C. Part V of Chapter 40D-1, F.A.C. (See Rules 40D-1.521 and 40D-1.571, F.A.C.) If no petition for hearing ~~objection~~ is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations.

For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 21 ~~14~~ days of receipt of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

General water use permits may be issued by District staff for applications which meet the following criteria:

1. The average annual daily withdrawal is less than 500,000 gpd;
2. The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.

Amended 1-1-07,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.331	Modification of Permits
40D-4.351	Transfer of Permits
40D-4.381	General Conditions

PURPOSE AND EFFECT: The purpose of this rulemaking is to allow the completed phase of a construction project authorized pursuant to an Environmental Resource Permit (ERP) to be transferred to the operation phase prior to completion of the entire project. The effect of the rule revisions will be to enable a permittee to transfer completed sections of a project to the operation phase and to the operation and maintenance entity while allowing the originally issued ERP authorizing construction to remain active until completion of the entire project.

SUMMARY: Existing ERP rules provide that upon completion of the permitted construction project, the ERP shall be transferred to the operation phase and to the entity that will be responsible for the operation and maintenance of the permitted surface water management system. The proposed rule amendments will establish a procedure whereby independently functioning portions of a completed surface water management system may be transferred to the operation phase and to the operation and maintenance entity while the originally-issued permit stays active to allow continued construction of remaining phases or portions of the permitted project. Rule 40D-4.331, F.A.C., is amended to provide that a request to transfer an independently functioning portion of a permitted

system to operation phase shall be made by formal application for modification of the construction permit, to identify the constructed phase separate from the remaining portions of the project still under construction. Rule 40D-4.351, F.A.C., is amended to provide that a request to transfer a portion of a constructed system to operation phase shall include a demonstration that the constructed portion to be transferred functions independently in compliance with applicable permitting conditions. The standard ERP conditions set forth in Rule 40D-4.381, F.A.C., are amended to specify the minimum construction activities that must be completed before any portion of the system can be transferred to the operation and maintenance entity.

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

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

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

LAW IMPLEMENTED: 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.429, 403.805 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.331 Modification of Permits.

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

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or letter modification:

(a) Formal modifications

1. Except for those projects meeting the criteria for letter modifications in paragraph (b), an alteration of the design of the surface water management system shall be reviewed in accordance with the same criteria as new applications pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using District Form No. LEG-R.001.00(2/05), adopted by reference in Rule 40D-1.659, F.A.C.

3. A request to transfer an independently functioning portion of a permitted system to operation phase shall include an application for formal modification of the construction permit to identify the constructed phase separate from the remaining unconstructed project.

~~By formal application and review using the same criteria as new applications, pursuant to Rules 40D 4.101, 40D 4.301, and 40D 4.302, F.A.C., unless the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the form "General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects", adopted by reference in Rule 40D 1.659, F.A.C.~~

(b) Except for projects identified in paragraph (2)(a), applications to modify a permit may be made by letter, provided the requested modification does not:

1. through 7. No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 403.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

40D-4.351 Transfer of Permits.

(1) No change

(2) Conversion to Operation Phase.

(a) through (c) No change.

(d) A request to transfer a portion of a permitted system to operation phase shall include a demonstration by the applicant that the constructed portion of the system is capable of functioning independently in compliance with all conditions for permit issuance. Such a request shall be accompanied by a formal application to modify the existing construction permit to identify the constructed phase separate from the remaining unconstructed project. The 45 day time period allowed to convert a construction permit to operation phase shall not commence until the formal modification of the construction permit is issued.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95, 7-22-03, 2-1-05, 5-4-05, _____.

40D-4.381 General Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40D-40, F.A.C.

(a) through (g) No change.

(h) The permittee shall complete, at a minimum, construction of all aspects of the surface water management system, including wetland compensation for impacts to

wetlands or other surface waters (~~grading, mulching, planting~~), compensation for floodplain encroachment or loss of historic basin storage, water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system and prior to transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.

(i) through (k) No change.

(l) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to conversion to operation phase and ~~the~~ occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

(m) through (n) No change.

(o) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions in subsection (1) above, the District in accordance with subsections 2.6 through 2.6.3 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit ~~shall may~~ not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until the permit is transferred pursuant to subsection 2.6.1 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(p) through (x) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, F.S. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History—Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 10-11-01, 2-19-04,_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 28, 2007

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.010

RULE TITLE:
Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2007.

1. The operating and indirect patient care component targets and target rate class ceilings of the Medicaid nursing home per diem rate shall be rebased. The operating and indirect patient care components of the per diem rate shall continue to be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider-specific target.
2. Establish a target rate class ceiling floor equal to 90 percent of the cost-based class ceiling.
3. Establish an individual provider-specific target floor equal to 75 percent of the cost-based class ceiling.
4. Modify the inflation multiplier to equal 2.0 times inflation for the individual provider-specific target. (The inflation multiplier for the target rate class ceiling shall remain at 1.4 times inflation.)
5. Modify the calculation of the change of ownership target to equal the previous providers' operating and indirect patient care cost per diem (excluding incentives), plus 50 percent of the difference between the previous providers' per diem (excluding incentives) and the effective class ceiling and use an inflation multiplier of 2.0 times inflation.
6. The methodology for nursing home special Medicaid payments is being revised.

SUMMARY: The proposed changes to Rule 59G-6.010, F.A.C., incorporate revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The rule modifies July 1, 2007 nursing home rates and changes the term Upper Payment Limit to special Medicaid payments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: November 19, 2007, 2:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.
 Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXII XXXI~~ Effective Date _____ August 26, 2007 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Edwin Stephens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Phil Williams

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.013
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to add the definition of “intern-architect” to the rule.

SUMMARY: The definition of “intern-architect” will be added to the rule.

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

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

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.013 Definitions.

In these rules, where the context will permit;

(1) through (3) No change.

(4) The title “Intern Architect” may be used by an individual who possesses a National Architectural Accreditation Board (NAAB) accredited professional degree in architecture, is actively enrolled with the National Council of Architectural Registration Boards (NCARB) in the Intern Development Program (IDP), and is working under the direct supervision of a registered architect. This title shall be used only in conjunction with the architectural firm for which an individual is employed as an intern to meet the requirements of Section 481.211, F.S., “Architecture internship required.”

Specific Authority 481.2055, 481.211 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, 4-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Architecture and Interior
Design
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 28, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 8, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-7.0025
RULE TITLE: Procedures for Signing and Sealing
Electronically Transmitted Plans,
Specifications, Reports or Other
Documents

PURPOSE AND EFFECT: The Board proposes to amend the rule to include additional instructions for procedures for signing and sealing electronically transmitted plans, specifications, reports or other documents.

SUMMARY: The rule amendment will update the rule in regards to the procedures for signing and sealing electronically transmitted documents.

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: 472.008, 472.025 FS.

LAW IMPLEMENTED: 472.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-7.0025 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) No change.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such surveying or mapping work must contain an original signature and raised seal of the license holder and date or the documents must be accompanied by an electronic signature as described in

this section. A scanned image of an original signature shall not be used in lieu of an original signature and raised seal or electronic signature. Surveying or mapping work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature and raised seal. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

(a) Unique to the person using it;

(b) Capable of verification;

(c) Under the sole control of the person using it;

(d) Linked to a document in such manner that the electronic signature is invalidated if any data in the document are changed.

(4)(2) Alternatively, eElectronic files may be signed and sealed by creating a "signature" file that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveying and mapping documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: ftp://ftp.isi.edu/in-notes/rfc1738.txt. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: http://www.itl.nist.gov/fipspubs/fip180-1.htm. A report shall be created that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveyor and mapper documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional surveyor and mapper in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History--New 2-1-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers	62-17.211	Modification of Certification, Criteria-change Modifications, Transfer of Ownership
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers	62-17.231 62-17.251	Supplemental Applications Processing of Application for Certification of an Existing Power Plant Site
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2007		Florida Administrative Weekly
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007	62-17.280 62-17.281 62-17.282 62-17.293	Newspaper Notice Other Notifications Fees, Disbursement of Funds, Contracts

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.021	Definitions
62-17.031	Prohibitions, Exceptions, and Applicability
62-17.041	Notice of Intent, Binding Written Agreements
62-17.051	Application for Site Certification
62-17.081	Supplementary Information – Cost Responsibility, Determination of Completeness of Application
62-17.091	Conduct of Studies
62-17.093	Preliminary Statements of Issues
62-17.115	Informational Public Meetings
62-17.121	Local Government Land Use and Zoning Consistency Determination
62-17.133	Agency Reports
62-17.135	Coordination of Federally Approved or Delegated Programs with State Certification Application Review Procedures
62-17.137	Proprietary Interest in State-Owned Lands
62-17.141	Certification Hearings – Subject Matter, Procedure, Participants, Stipulations
62-17.143	Recommended Orders, Exceptions
62-17.147	Certified Corridor Notice
62-17.171	Department Conditions of Certification under Section 403.511(5)(a), (b)
62-17.191	Postcertification Compliance Review, Monitoring
62-17.201	Review and Evaluation
62-17.205	Postcertification Amendments or Clarifications

PURPOSE AND EFFECT: The draft proposed rule is to implement the changes to the Florida Electrical Power Plant Siting Act during the 2006 legislative session, as enacted in Senate Bill 888, signed into law on June 19, 2006.

SUMMARY: The draft proposed rule is to clarify definitions, applicability, application requirements, completeness process, the conduct of studies, agency statements of issues and reports, land use and certification hearing requirements, coordination with federal permit programs, proprietary interests in state owned lands, conditions of certification requirements, post certification review, post certification amendments, modifications, processing of supplemental applications and existing sites, public notice, and fees.

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: 403.501-.518 FS.

LAW IMPLEMENTED: 403.501-.518 FS.

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

DATE AND TIME: Friday, November 30, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Complex, Conference Room 609, 3600 Blair Stone Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Landa Korokous at (850)245-8002. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Mike Halpin at (850)245-8002 or mike.halpin@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-17.021 Definitions.

The words, terms and phrases used in Part I, unless otherwise indicated, shall have the meaning set forth in Section 403.503, Florida Statutes. In addition, the following words when used in Part I shall have the indicated meanings:

(1) "Abandonment" means the procedure by which the Board releases all or part of a site from the terms and conditions of a certification previously granted.

(2) "Clerk of the Siting Board" means the person designated as the clerk of the department pursuant to Rule 62-103.050, F.A.C.

(3) "Construction" means any clearing of land, excavation or other action which would alter the physical environment or ecology of a site, but does not include those activities essential for surveying, preliminary site evaluation or environmental studies.

(4) "Directly associated facility" shall have the same meaning as the term "associated facilities" in Section 403.503(13), F.S. These terms include associated transmission lines if the transmission lines are directly connected to the plant, or if the transmission lines brought in at the applicant's option.

(5) "Electronic Copies" means documentation submitted by the applicant which is stored on electronic media (for example, compact disc) in a manner suitable for ease of copying and pasting text or graphics into word processing software. Acceptable formats for electronic copies include Microsoft Word for Windows Versions 5.0 or higher; Rich Text Format, and portable document format (pdf). Any portable document format (.pdf) files must be of a version that all narrative and tables can be readily converted to text.

(6)(4) "Expansion" means any increase in maximum steam or solar gross electrical generating capacity of electrical power plants existing in 1973 as defined by Section 403.506(1), F.S.

(7)(5) "Filing" means actual receipt by the department's Siting Coordination Office, unless otherwise specified herein.

(8) "Land use plans and zoning ordinances" means all components of the local government comprehensive plan adopted pursuant to Ch. 163, Part II, F.S. and the adopted zoning ordinances and any site-specific zoning approvals.

(9)(6) "Licensee" means an applicant which has obtained a certification order for the subject electrical power plant.

(10) "Postcertification amendments" means documentation which reflects changes in the certified project.

(11)(7) "Precertification amendments" means documentation submitted by the applicant during the application review period which reflects changes proposed by the applicant to the designs or plans contained in its previously submitted application. It does not mean responses to requests

for additional information to make the application complete as determined by reviewing sufficiency questions of agencies which are considered supporting information.

~~(8) "Postcertification amendments" means documentation which reflects changes in the certified project.~~

~~(12)(9) "Public notice" means the notices required by Rules 62-17.280, 62-17.281, and 62-17.282, F.S.~~

~~(13)(10) "Secretary" means the Secretary of the Department of Environmental Protection.~~

~~(14)(11) "Supplemental Application" means an application for certification for the construction and operation of an additional steam or solar electrical power generation unit and associated facilities to be located at a site which has been previously certified for an ultimate site capacity.~~

Specific Authority 403.504(1), 403.517(1) FS. Law Implemented 403.503, 403.504(1), 403.5115, 403.517 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.02, Amended 5-9-83, Formerly 17-17.021, Amended 2-1-99, _____.

62-17.031 Prohibitions, Exceptions, and Applicability.

(1) No applicant shall construct, suffer, allow or permit construction on any site requiring certification under the Act without an appropriate and currently valid certification issued by the Board or the Secretary pursuant to the requirements of the Act. This section shall not be construed to prohibit the use of the site for agriculture, forestry, mariculture, oil or mineral exploration, or recreation, which shall be exceptions to the activities included in the definition of construction in subsection 62-17.021(3), F.A.C., above. Other land uses may be authorized upon a finding by the Board or the Secretary that such uses are not inconsistent with the purposes of the Act. This section shall not obviate the necessity of obtaining appropriate state, regional or local permits, certifications, or similar licenses prior to any use of the site under the above exceptions.

~~(2) Under the provisions of Section 403.508(3), F.S., a certification hearing for expansion of an existing power plant or for a new steam or solar electrical power plant may not be held without an affirmative finding of need by the Public Service Commission.~~

~~(3) Pursuant to Section 403.506(1), F.S., certification is required for new steam or solar electrical power plants of 75 megawatts or greater, and for expansion of steam or solar generating capacity of power plants existing in 1973, whose steam generating capacity is, or will be, 75 megawatts or greater.~~

(2)(4) The construction and operation of new electric generating facilities which do not use steam or solar energy to generate electricity and which are located at a certified power plant site, or any increase in the gross generating capacity of a previously-certified electrical power plant at a certified power

plant site using the certified generating technology and fuels shall be reviewed as a modification of the existing certification, pursuant to Section 403.516, F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.504, 403.506, ~~403.508(3)~~ FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.03, Amended 5-9-83, Formerly 17-17.031, Amended 2-1-99, _____.

62-17.041 Notice of Intent, Binding Written Agreements.

(1)(a) Any person intending to submit an application for certification may file a Notice of Intent with the department. If this option is exercised, the Notice shall be filed with the Department at least six months prior to the expected date of application.

(b) The Notice of Intent shall describe, at a minimum:

1. The type of power plant and proposed size;
2. The proposed or existing site location, together with a general map of the site, including the location if known of any proposed associated facilities or transmission line corridors;
3. A general description of the designated zoning and land use plan for the areas listed in subparagraph 2.;
4. A list of all state environmental licenses currently held for pre-application work at the site, such as for monitoring facilities;
5. The anticipated date of filing of the application.

(c) Within seven days after the filing of a Notice of Intent, the department shall notify all affected agencies.

(2)(a) After the filing of a Notice of Intent by an applicant, the department, other affected agencies, and the applicant may enter into binding written agreements as to the scope, quantity, and specificity of information to be provided in the application, as further described in the Application Instruction Guide DEP, Form 62-17.900 ~~62-1.211(1), F.A.C.~~

(b) Within 21 days of the filing of the proposed binding written agreement, notice of the filing of a Proposed Binding Written Agreement shall be published by the applicant as specified in ~~Rules 62-17.280 and Rule 62-17.281, F.A.C.~~ and by the department in the Florida Administrative Weekly. Comments will be accepted for 30 days following publication of the notice. Copies of any public comments concerning the proposed binding agreement shall be forwarded to the appropriate affected agencies and the applicant by the department.

(c) Any proposed binding written agreement shall be reviewed by the department and the affected agencies within forty-five days of the publication of newspaper notice regarding the filing provided pursuant to subsection 62-17.281(2), F.A.C. The department and the affected agencies shall indicate all changes which are deemed necessary for the proposed agreement to become acceptable to the agency. All such changes which the applicant agrees to shall be included in

the agreement. The agreement shall take effect upon signature of the agency heads or their designees for the participating affected agencies.

(3) The notice of the filing of a Proposed Binding Written Agreement may be combined with a Notice of Intent if an applicant has furnished such an agreement to the department with the Notice of Intent.

Specific Authority 403.504(1)(2), 403.5063(2) FS. Law Implemented 403.504(2)(9), 403.5063 FS. History—New 5-9-83, Formerly 17-17.041, Amended 2-1-99, _____.

62-17.051 Application for Site Certification.

(1)(a) Applications for certification shall follow the format and shall be supported by applicable information and technical studies, as prescribed by the Application 62-1.211(1), F.A.C., Instruction Guide, Form 62-17.900 for Certification Applications: Electrical Power Plant Site Associated Facilities, and Associated Transmission Lines, as amended, or as set forth in any binding written agreement.

(b) The applicant may substitute the United States Nuclear Regulatory Commission's or its successor's format for an application for a nuclear power plant as outlined in 10 CFR, Part 50 and 10 CFR, Part 51, as amended, or any substantially similar federal format approved by the department, in lieu of the department's format for a new application or a supplemental application.

(2)(a) A separate application shall be made for each expansion in steam or solar electrical generating capacity of an electrical power plant, or new electrical power plant site.

(b) Any supplemental application for certification shall follow the format of and be supported by information and technical studies prescribed by the Application Instruction Guide, DEP Form 62-17.900 ~~62-1.211(1), F.A.C.~~, or the format allowed under paragraph (1)(b) above. The applicant for supplemental certification should meet with the department to determine what previously filed information is still sufficient for agency use, and what new data must be filed. Supplemental applications shall show that the additional unit or units conform to the current non-procedural standards of affected agencies in force at the time the supplemental application is submitted, and demonstrate the extent to which the expansion falls within the environmental impacts addressed in the initial certification proceedings.

(c) An application for a power plant site which was permitted prior to the passage of the Act shall include the information required in Section 403.5175, F.S., utilizing the applicable portions of the application form cited under subsection (1) above.

(3) Applications shall also include the following:

(a) Information supporting any request for a variance, exception, exemption or other relief from the non-procedural standards or rules of the department or from the standards or

rules of any other agency, including the reasons justifying such relief, and the condition which the applicant seeks to have included in the certification on this issue.

(b) Information describing the works or properties of any agency that the applicant seeks to use, connect to, or cross over, and the intended use.

(c) As required by Section 403.50665(1), F.S., a statement on the consistency of the site including associated facilities with existing land use plans and zoning ordinances in effect on the date the application was filed. Such a statement shall be supported in an appendix by copies of the applicable portions of ordinances, regulations, or land use plans involved.

(d)(e) For sites which may have units or facilities that, due to their size, age, or other factors, were not constructed under the provisions of the Power Plant Siting Act, detailed site plans shall be submitted which delineate those specific parts of the plant and site that are to be evaluated for compliance purposes under certification and those specific parts that will continue under the original permits.

(4)(a) The application will not be deemed filed unless accompanied by the appropriate application fee as described in Rule 62-17.293, F.A.C. and the application has been distributed to all agencies identified in Section 403.507(2)(a), F.S.

(b)(a) The applicant shall consult with the department to determine the number of copies of the certification application or supplemental application and any supplements or precertification amendments thereto to be submitted to the department for its own use. The applicant shall submit the number of hard copies and electronic copies the department determines it needs. The department's determination of how many copies it needs shall be based upon the number of district offices, divisions, or programs required to review the application, plus one for the department to provide to the Division of Administrative Hearings submit twenty (20) of the certification application or supplemental application and any supplements or precertification amendments thereto to the department for its own use. The applicant shall send copies directly to the applicable district office, division, or program personnel at the addresses provided by the department. A copy of the transmittal letter shall be provided to the Siting Coordination Office.

(b) The application will not be deemed filed unless accompanied by the appropriate application fee as described in Rule 62-17.293, F.A.C., and the information required under Rule 62-17.121(1), F.A.C.

(5) After the determination of completeness:

(c)(a) The applicant shall also submit at least one copy of the application and any supplements or precertification amendments thereto to each agency identified pursuant to Section 403.5064(2), F.S. The applicant shall consult with each affected agency identified in Section 403.507(2)(a), F.S. and Section 403.5064(2), F.S., to determine the number of printed

and electronic copies needed for that agency to conduct its review, and shall provide the copies on a timely basis pursuant to Section 403.5064(3), F.S. A copy of the transmittal letter shall be provided to the Siting Coordination Office.

(d) The applicant shall also submit at least one copy of any supplements or precertification amendments thereto to all agencies and parties which have received a copy of the application.

(e)(b) The applicant shall submit one copy of the application and any supplements thereto to the main public library for the county of the site, and for each county in which any associated facility will be located.

(f) After the delivery of all the applications, the applicant shall provide notice of such delivery.

Specific Authority 403.504(1)(2), 403.517(1)(a), 403.5175(1), FS. Law Implemented 403.504, 403.5064, 403.517, 403.5175, FS. History--New 5-7-74, Amended 12-27-77, Formerly 17-17.04, Amended 5-9-83, 4-14-86, 1-22-91, 1-26-93, Formerly 17-17.051, Amended 2-1-99, _____.

62-17.081 Supplementary Information – Cost Responsibility, Determination of Completeness Sufficiency of Application.

(1) The applicant shall furnish, at its cost, such information, studies and data as the department and the jurisdictional affected agencies listed in Section 403.507(2)(a), F.S., may direct to enable said agencies to conduct their required studies in order to assess the impacts of the proposed electrical power plant on matters within the agency's jurisdiction and to enable the department to prepare the written analysis provided for in Sections 403.504(8) and 403.507, F.S., subject to the provisions of any binding agreements pursuant to Section 403.5063(2), F.S.

(2)(a) Each agency required to file a report pursuant to Section 403.507, F.S., shall notify the department and the applicant in writing of its position regarding the completeness sufficiency of the application and what additional information may be necessary to make the application complete sufficient. This notification shall be delivered:

1. Within 30 days after the agency's receipt of an application or pre-certification amendment; or
2. Within 15 25 days after the agency's receipt of additional information submitted pursuant to Section 403.5067(3), F.S.

(b) Should the department, in consultation with the agencies required to file a report pursuant to Section 403.507, F.S., determine that an application is not complete sufficient, the department shall so inform the applicant, the affected agencies, and the administrative law judge.

(c) ~~Within 15 days of being so informed, the applicant shall:~~

1. Advise the department whether it intends to correct the completeness; or

2. File a request for hearing to contest the completeness determination; or

3. Withdraw the application.

(3) If the applicant intends to correct the incompleteness, the applicant shall file with the Division of Administrative Hearings, the department, and other parties, a statement accepting the statement of the department and proposing a date by which the information will be supplied.

(a) If information will not be filed within 30-40 days after the department's completeness determination, then the schedule for preparation of agency reports and conduct of the certification hearing shall be tolled as of the date of the department's initial completeness determination.

(b) If the information necessary to make the application complete is filed within 30-40 days, but, under the subsequent completeness review as provided for in Section 403.5067(3), F.S., the submitted information is determined to be incomplete, then the schedule for preparation of agency reports and conduct of the certification hearing shall be tolled as of the date of the department's initial completeness determination.

(c) In their subsequent completeness reviews, the affected agencies may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to the additional information.

(4)(a) If the applicant contests the statement of the department on completeness, the applicant shall advise the administrative law judge and other parties. All time schedules shall be tolled except those governing the Preliminary Statement of Issues and the Land Use Hearing. Within 15 days after being so advised the administrative law judge shall schedule a hearing on the issue of sufficiency. The hearing shall be held no later than 21 days after the administrative law judge receives the department's position. The administrative law judge shall make a decision on this issue within 7 days after the hearing.

(3)(b) Agencies that have not raised completeness ~~insufficiency~~ issues that are the subject of any hearing on completeness ~~insufficiency~~ shall continue to prepare their agency reports during the period of the completeness ~~sufficiency~~ determination, unless the administrative law judge makes a contrary determination.

(4)(5) Late or incomplete ~~insufficient~~ submittals of information required pursuant to the other provisions of this Part shall be good cause for continuance of the certification hearing unless the administrative law judge makes specific findings entered in the record of the proceeding that a continuance is unnecessary.

(5)(6) If an application is withdrawn and then later resubmitted, the certification schedule shall commence anew as if it were an original application. However, when reviewing a resubmitted application for completeness ~~and sufficiency~~, the agencies shall take into account previous determinations of

completeness ~~and sufficiency~~ and attempt to shorten the time period necessary to make such determinations for the resubmitted application.

Specific Authority 403.504(1)(2), 403.5063(2) FS. Law Implemented 403.504(2)(3), 403.5063(2), ~~403.5067~~ FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.04(2), 17-17.20, Amended 5-9-83, Formerly 17-17.081, Amended 2-1-99, _____.

62-17.091 Conduct of Studies, ~~Other Agency Guidance~~.

(1) As needed to verify or supplement the studies made by the applicant in support of the application, the department may ~~shall~~ within 30 days of the distribution of a complete application commence or contract for joint or independent studies to aid in the evaluation of the site or may request that other agencies prepare a report on matters in that agency's jurisdiction. The department shall give written notice of all such studies to the applicant and affected agencies before they are commenced.

(2) The applicant shall be furnished with a copy of any request for approval of a contract for studies submitted by an agency other than the department within 10 days of receipt by the department.

Specific Authority 403.504(2) FS. Law Implemented 403.507(2)(3) FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.05, Amended 5-9-83, Formerly 17-17.091, Amended 2-1-99, _____.

62-17.093 Preliminary Statements of Issues.

The preliminary statements of the agencies should address issues related to the certification of the facility but not the completeness ~~sufficiency~~ of information provided in the application. The preliminary statements should identify any apparent inconsistencies with the agency's applicable nonprocedural requirements, the necessity for variances and other forms of regulatory relief, the use of lands or works of an agency, and any other major issues of concern to the agency. The preliminary statement should be a brief synopsis of the agency's issues rather than a full report. Detailed explanations of the agency's issues shall be provided in the agency report required under Section 403.507(2), F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.507(1),(2)(d) FS. History—New 2-1-99, Amended _____.

62-17.115 Informational Public Meetings.

(1) Any local government or regional planning council intending to conduct an informational public meeting pursuant to Section 403.50663, F.S., shall coordinate with the Department and the applicant in the scheduling of that meeting, to assure availability of the Department and the applicant.

(2) In the informational public meetings, the applicant and any other participating parties are encouraged to design their presentations to inform the public of the details of the proposed power plant.

(3) The format of the meeting is at the discretion of the local government or regional planning council. The local government or regional planning council is not required to take votes or take a position on the proposed facility.

Specific Authority 403.504(1) FS. Law Implemented 403.50663 FS. History–New _____.

62-17.121 Local Government Land Use and Zoning Consistency Determination and Zoning Hearings—Subject Matter, Effect of Findings.

(1) Consistency determinations made pursuant to Section 403.50665, F.S., must include a statement of whether the proposed project is consistent or not with local land use plans and zoning ordinances. At the time the application is filed for an electrical power plant requiring a land use hearing under the Act, the applicant shall submit to the department four copies of a compilation of information specifying the procedures taken to accomplish compliance of the site, including associated facilities and directly associated transmission lines, with existing land use plans and zoning ordinances. Such a compilation shall include copies of the applicable portions of ordinances, regulations, or land use plans involved. The department shall file one copy of the compilation with the Division of Administrative Hearings along with the application submitted pursuant to Section 403.5065, F.S. The department shall also file one copy with the Department of Community Affairs, and one with the regional planning council when the application is determined complete.

(2) Determinations finding the proposed site inconsistent with local land use plans or zoning ordinances must also include a statement of what would need to be done to make the proposed project consistent with local land use plans or zoning ordinances. Copies of the compilation required under subsection (1) above shall be made available for public inspection and copying during normal business hours at the main and local business offices of the applicant and at the department’s Siting Coordination Office.

(3) Failure of a local government to issue a determination of consistency with local land use plans or zoning ordinances within the time periods under the Act shall result in an automatic finding of consistency.

(4) If a proceeding is held by a local government for the purpose of issuing a revised local land use or zoning approval, pursuant to Section 403.50665(3), F.S., then the revised determination issued by the local government must include a statement of whether the proposed project is consistent or not with local land use plans and zoning ordinances, and a statement of what would need to be done to make the proposed project consistent with local land use requirements if it is determined to be inconsistent.

Specific Authority 403.504(1) FS. Law Implemented 403.504(5), 403.50665, 403.508 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.09, Amended 5-9-83, Formerly 17-17.121, Amended 2-1-99, _____.

62-17.133 Agency Reports.

Each agency report shall contain:

(1) An assessment of the facility’s expected compliance or non-compliance with applicable agency nonprocedural requirements and an identification of each nonprocedural requirement within the agency’s jurisdiction not specifically listed in the application from which a variance, exception, exemption, or other relief is needed in order for the board to certify the project, plus a statement of the agency’s position on each variance exception, exemption, or other relief within the agency’s jurisdiction needed by the project.

(2) An evaluation of the impacts of the project, along with an assessment of any other matters within an agency’s jurisdiction which will be materially affected by the project.

(3) An evaluation of the impacts of the proposed project on any proposed use of, connection to, or crossing over of properties or works of the agency, including the agency’s position on the request and conditions that must be satisfied in order for the applicant to use, connect to, or cross over the agency’s properties or works.

(4) Conclusions and recommendations regarding certification. If the agency recommends denial of certification, the agency shall provide the reasons for its recommendation of denial and identify any changes in the project which would make the project suitable for certification.

(5) Proposed conditions of certification on matters within the agency’s jurisdiction, including:

(a) Any postcertification assessment of consistency with the conditions of certification or impact monitoring which may need to be conducted; and

(b) Conditions that may be necessary in the event the Siting Board or Secretary determines that the project should be certified. All such conditions shall include the statute or rule indicating the agency’s authority to require such a condition.

(6) In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site-specific shall be identified by the department in the conditions of certification. Any recommendation of denial or proposed condition must cite the specific statute, rule, regulation, or ordinance, as applicable, which provides the substantive, nonprocedural legal authority for the agency’s jurisdiction for the recommendation of denial or proposed condition.

Specific Authority 403.504(1) FS. Law Implemented 403.507(2)(e), 403.511(5)(b) FS. History–New 5-9-83, Formerly 17-17.171, Amended 2-1-99, _____.

62-17.135 Coordination of Federally Approved or Delegated Programs with State Certification Application Review Procedures.

(1) To the extent possible, in order to facilitate coordination of the procedures for federally approved or delegated permit programs with the state certification

application review procedures, where the schedules listed below shall be followed. If it appears that these time schedules cannot be met, this shall be grounds for the department to request that the administrative law judge consider altering the certification schedule, pursuant to Section 403.5095, F.S. Where conflicts with federal time schedules occur, the federal time schedules shall prevail, pursuant to Sections 403.506(3), 403.508(3), and 403.5055, F.S. If any other application for a department permit to be issued pursuant to a federally approved or delegated permit program is determined to be complete and sufficient before the certification application is determined complete sufficient, then the department shall proceed to review that permit in accordance with adopted department rules and schedules for review and issuance of proposed agency action on such permits under the requirements of that program.

(1) ~~New Source Review (NSR) or Prevention of Significant Deterioration (PSD) Review.~~

(a) ~~The NSR or PSD application must be found complete, as defined in Sections 403.503(8) and (27), F.S., prior to the commencement of further review time schedules. If the NSR or PSD application is not complete and sufficient, then the certification application is not complete and sufficient.~~

(b) ~~The department's NSR or PSD preliminary determination shall be issued no later than 60 days after the finding of a complete and sufficient application. The preliminary determination shall be made available for incorporation into the draft Air Operation Permit.~~

(c) ~~The applicant shall have published in the appropriate newspapers notice of the preliminary determination no later than 10 days after the preliminary determination has been issued.~~

(d) ~~If necessary, after the 30 day period for public comments, the department shall prepare a revised PSD or NSR preliminary determination on such permit within 23 days, and will incorporate the revised preliminary determination into the subsequent draft Air Operation Permit and associated conditions.~~

(e) ~~If a public meeting has been requested pursuant to Section 403.508(8), F.S., the meeting shall be conducted by the department in the vicinity of the proposed electrical power plant.~~

(f) ~~If a formal administrative hearing has been requested, then the NSR or PSD hearing shall be consolidated with the state certification hearing.~~

(g) ~~The department shall issue or deny the PSD or NSR permit in accordance with Section 403.509(3), F.S., within 30 days of issuance of the Certification by the Siting Board.~~

(2) Pursuant to Sections 403.507(5)(e) and 403.5055(2), F.S., the Project Analysis may contain a copy of any draft license for a National Pollutant Discharge Elimination System permit, a Prevention of Significant Deterioration permit, and an Underground Injection Control test well permit. Delays in

the issuance of a related federally delegated or approved draft permit are good cause for an alteration of the deadline for the issuance of the department's Project Analysis. Air Operation Permit Review.

(a) ~~The Air Operation Permit application must be processed in accordance with Rule 62-213.240, F.A.C. The determination of completeness and sufficiency for the certification process is not controlled by the determination of completeness for the Air Operation Permit review above.~~

(b) ~~The department shall issue a draft Air Operation Permit or a notification that the permit should be denied in accordance with Section 403.0872(3), F.S. In order to prepare the draft Air Operation Permit or Notification Of Denial, the NSR or PSD preliminary determination must be available at least 15 days prior to the issuance of the draft Air Operation Permit or Notification Of Denial; if the NSR or PSD preliminary determination has been delayed because the application is insufficient, this shall be grounds to delay the draft Air Operation Permit or Notification Of Denial.~~

(c) ~~The applicant shall have published in the appropriate newspapers notice of the draft Air Operation Permit or Notification Of Denial no later than 10 days after the draft permit or determination of denial has been issued.~~

(d) ~~Within 25 days after the close of the 30 day public comment period, the department shall prepare a revised draft Air Operation permit, provided the issuance of a revised draft Air Operation permit is required by department rule.~~

(e) ~~The proposed NSR or PSD permit and the draft Air Operation Permit shall be incorporated in the department's written analysis pursuant to Section 403.507(4), F.S.~~

(f) ~~If a formal administrative hearing has been requested, then the Air Operation Permit hearing shall be consolidated, where possible, with the state certification hearing.~~

(g) ~~The department shall not issue a proposed Air Operation Permit until the Siting Board issues a Final Order for the electrical power plant. The proposed Air Operation Permit shall be sent to the U.S. Environmental Protection Agency (USEPA) within 30 days of issuance of the Certification by the Siting Board.~~

(3) ~~Wastewater permits pursuant to Section 403.0885, F.S.~~

(a) ~~The review to determine whether the information contained in the wastewater permit application is complete as described in subsection 62-620.510(6), F.A.C., shall be pursuant to Rule 62-620.510, F.A.C. The review for completeness must be concluded within 30 days of the receipt of a complete site certification application as defined in Section 403.503(8), F.S. for inclusion in the overall sufficiency determination.~~

(b) ~~If the department determines that the wastewater permit application does not contain adequate information for processing the wastewater permit, then the provisions in~~

paragraph (c), below, shall not apply, and the time schedules set forth in Rule 62-620.510, F.A.C. shall control the issuance of the wastewater permit.

(c) Except as described in paragraph (b) above, within 90 days after the filing of a complete application for a wastewater permit, the processing of the wastewater permit application shall be completed. If this time schedule is not met, the permit applicant may apply for an Order from the Circuit Court requiring the department to render a decision on the application in the specified time. The department's draft permit as defined in Rule 62-620.200, F.A.C., shall be prepared and sent to the USEPA for review. Public Notice of the department's draft permit, if required by Rule 62-620.510, F.A.C., shall be published by the applicant no later than 14 days after receipt of the notice of draft permit. The notice shall provide a 30 day opportunity for public comments.

(d) Pursuant to Section 403.507(4), F.S., the Written Analysis must contain a copy of the following:

1. The recommendation of the department regarding the wastewater permit;
2. Comments, if any, from the USEPA on the proposed action, and the department's response to those comments;
3. Comments, if any, from the applicant on the proposed action, and the department's response to those comments; and
4. Comments, if any, from the public on the proposed action, and the department's response to those comments;

(e) If a petition for an administrative hearing pursuant to Chapter 120, F.S., is received concerning the proposed agency action, the administrative hearing shall be combined with the certification hearing held pursuant to Section 403.508(3), F.S.

(4) Underground Injection Control (UIC).

(a) The UIC application must be found complete and sufficient, as defined in Section 403.503(8) and (27), F.S., prior to the commencement of further UIC review time schedules. If the UIC application is not complete and sufficient, then the certification application is not complete and sufficient.

(b) The requirements for permit processing and public notice for Class I and major Class V wells, as described in Rule 62-528.300 and subsection 62-528.200(4), F.A.C., shall follow the requirements in Rules 62-528.310 (draft permit), 62-528.315 (public notice), 62-528.325 (public meetings), 62-528.330 (response to public comment), and 62-528.335 (fact sheet). Any of these procedures can be combined with other aspects of the certification process, so long as the minimum requirements of the UIC rules are met.

(3)(5) Coastal Zone Management (CZM). The Department of Community Affairs is the lead coordination agency for matters pertaining to CZM. When federally designated review schedules do not conflict, the Department of Community Affairs shall include in its agency report to the Department of Environmental Protection an assessment or summary of CZM issues raised in the CZM review process, if any.

Specific Authority 403.504(1) FS. Law Implemented 403.5055, 403.507(3)(4), 403.508(3), 403.508(8), 403.0872, 403.0885, 403.511(7) FS. History--New 2-1-99, Amended _____.

62-17.137 Proprietary Interest in State-Owned Lands.

Where a certification order approves the crossing or impacts to Sovereign or State owned lands or lands owned by a public agency, the licensee shall provide a copy of any approval granted to the petition or request from the appropriate land owning entity for a lease, easement or other ownership document for the affected property to the department's Siting Coordination Office within 30 days of issuance of such document by the public agency.

Specific Authority 403.504(1) FS. Law Implemented 403.509(5) FS. History--New _____.

62-17.141 Certification Hearings – Subject Matter, Procedure, Participants, Stipulations.

(1) The certification hearing, if held, and any the Recommended Order issued thereupon shall address the extent to which the project comports with the provisions, as applicable, of Section 403.509(3) Sections 403.502, or 403.5175, F.S.

(2) In the certification hearing, the applicant, the Department and any other participating and the local government public meetings, parties are encouraged to design their presentations to inform the public of the details of the proposed power plant, but the question of compliance with this paragraph shall not be the basis for review.

(3) Each party shall make available for public inspection at least five days prior to the certification hearing, if held, at a place specified in the public notice any written direct testimony which it intends to submit at the hearing.

(4) Delays in the issuance of a related federally delegated or approved draft permit are good cause for the continuance of the certification hearing, or any other time frame. Any person wishing to become a party pursuant to Section 403.508(4)(e), F.S., shall file a motion to intervene no later than 31 days prior to the commencement of the certification hearing.

(5) In regard to the properties and works of any agency which is a party to the certification hearing, any stipulation filed pursuant to Section 403.508(6)(a), F.S., must include a stipulation regarding issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

Specific Authority 403.504(1) FS. Law Implemented 403.502, 403.504(5), 403.508, 403.5175(4) FS. History--New 10-1-76, Amended 12-27-77, Formerly 17-17.11, Amended 5-9-83, Formerly 17-17.131, Amended 2-1-99, _____.

62-17.143 ~~Recommended Transmittal and Filing of Orders, Exceptions.~~

(1) ~~If a certification hearing was held, upon~~ Upon completion of any recommended order pertaining to a certification application or petition for modification, the administrative law judge shall transmit the recommended order to the Clerk of the Siting Board and all parties. Rule 28-106.217, F.A.C., shall govern the filing with the Clerk of the Siting Board of any exceptions to the recommended order and responses to the exceptions by the parties to the proceeding. Copies of the final order shall be provided to all parties by the Clerk.

(2) Any final order issued by the department shall address the extent to which the project comports with the provisions of Section 403.509(3), F.S.

(3) ~~Upon the Board's or Secretary's signing of the final order, the Order shall be filed with the Clerk of the Siting Board, and the date of final agency action shall be the date of such filing.~~

Specific Authority 403.504(1) FS. Law Implemented 403.508(3), 403.508(7)(d), 403.509 FS. History--New 2-1-99, Amended.

62-17.147 Certified Corridor Notice.

~~If a licensee is required to file a notice of transmission line corridor route with clerks of circuit courts pursuant to Section 403.5312, F.S., the licensee shall also provide the department a copy of all such notices at the time of such filing.~~

Specific Authority 403.504(1), 403.504(8), 403.523(1), (8) FS. Law Implemented 403.504(8), 403.523(8), 403.5312 FS. History--New 2-1-99, Repealed.

62-17.171 Department Conditions of Certification under Section 403.511(5)(a), (b).

~~In order to facilitate compliance with Section 403.511(5)(b), F.S., all criteria required by the terms and conditions of the certification which are site specific shall be identified by the department in the conditions of certification. Those terms and conditions in the certification which result from the direct application of general agency standards to the facts shall not be deemed site specific unless the applicability of such standard is a matter of administrative discretion.~~

Specific Authority 403.504(1) FS. Law Implemented 403.511(5)(b) FS. History--New 5-9-83, Formerly 17-17.171, Amended 2-1-99, Repealed.

62-17.191 Postcertification Compliance Review, Monitoring.

(1) Pursuant to specific conditions of certification, a licensee may be required to file site-specific technical data to allow the review by the department and any other affected agency of the licensee's compliance with the conditions of certification. This is considered postcertification review (PCR).

(a) Any submittal of information or determination of compliance pursuant to PCR does not provide a point of entry for a third party.

(b) Data required for PCR shall be equivalent to that which would be submitted for permits required in the absence of certification except where the conditions of certification specify a different requirement.

(c) The procedures for postcertification submittal processing, if not otherwise specified in the conditions, are as follows:

1. All postcertification submittals of information by the licensee are to be filed with the department. Copies of each submittal shall be simultaneously submitted to any other agency indicated in a specific condition requiring a postcertification submittal.

2. The department shall review each postcertification submittal for completeness; for the purposes of postcertification reviews, completeness shall mean that the information submitted is both complete and sufficient. The department will consult with the other agencies receiving the submittal, as appropriate, and note completeness problems raised by the other agencies. If the submittal is found by the department to be incomplete, the licensee shall be so notified. Failure of the department to issue such a notice within 30 days after filing of the submittal shall constitute a finding of completeness.

3. Within ~~90~~ 60 days after a ~~postcertification submittal is found complete~~ information is submitted, the department shall give written notification to the licensee and the agencies to which the postcertification information was submitted of its assessment of whether there is reasonable assurance of compliance with the conditions of certification. If it is determined that compliance with the conditions will not be achieved, the licensee shall be notified with particularity and possible corrective measures suggested. Failure of the department to notify the licensee in writing within 90 days of receipt of a complete postcertification submittal shall constitute a finding of compliance.

4. If the department does not give notification of compliance within the time period specified in subparagraph 3. above, the licensee may begin construction pursuant to the terms of the conditions of certification and the subsequently submitted construction details.

(d) Postcertification compliance reviews shall be limited to the technical merits of whether the postcertification submittals demonstrate compliance with the conditions of certification. However, a postcertification compliance review may be the basis for initiating modifications to the relevant condition or to other related conditions.

(2) The licensee shall conduct monitoring, ~~as deemed reasonable by the Board~~, as indicated in the conditions of certification, of the environmental effects arising from construction and operation of the licensee's electrical power

plant, in order to assure continued compliance with the terms and conditions of certification. The monitoring shall be carried out in the manner prescribed in the conditions of certification, and at no expense to the department or affected agencies.

(3) The licensee shall provide within 90 days after certification a complete summary of those submittals identified in the Conditions of Certification where due-dates for information required of the licensee are identified. Such submittals shall include, but are not limited to, monitoring reports, management plans, wildlife surveys, etc. The summary shall be provided to the Siting Coordination Office and any affected agency or agency subunit to whom the submittal is required to be provided, in a sortable spreadsheet, via CD and hard copy, in the format identified below or any other format requested by the licensee and approved by the department.

Condition Number	Requirement and timeframe	Due Date	Name of Agency or agency subunit to whom the submittal is required to be provided

Specific Authority 403.504(1) FS. Law Implemented 403.504(8), 403.511 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.13, Amended 5-9-83, Formerly 17-17.191, Amended 2-1-99_____.

62-17.201 Review and Evaluation.

~~The department may, at any time, review the certification and evaluate the compliance of the applicant with the terms and conditions contained therein and act upon such review and evaluation as it deems appropriate, in accordance with the provisions of the Act and this Part.~~

Specific Authority 403.504(1) FS. Law Implemented 403.512, 403.514 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.16, Amended 5-9-83, Formerly 17-17.201, Amended 2-1-99. Repealed_____.

62-17.205 Postcertification Amendments or Clarifications.

(1) Amendments.

~~(a) If material changes to a certified facility are proposed to include designs or facilities other than as originally described in the application as certified, then a postcertification amendment to the application shall be filed with the department, all affected agencies, and parties to the original proceeding.~~

~~(b) If the proposed activity or change would normally require issuance of an agency permit, or changes to the conditions of certification, then a modification of the conditions may be needed.~~

~~(c) In order to determine whether an activity or change will require a modification of the conditions, the department shall review the amendment. The department shall notify the licensee, all affected agencies, and all parties to the original~~

~~certification within 30 days whether or not a modification to the conditions will be required. Failure of the department to issue such notice within 30 days after filing of the submittal shall constitute a finding that no modification to the conditions is required.~~

~~(d) If the department concludes that additional significant adverse impacts will not occur and the conditions of certification need not be changed, then the amendment will not be considered a modification under the provisions of Section 403.516, F.S., and Rule 62-17.610, F.A.C.~~

(e) Any postcertification amendments to an application must include appropriate revisions to the application text, figures, and photographs, to reflect the changes. Such postcertification amendments shall be processed in accordance with Section 403.5113, F.S. The Department shall perform a review for completeness of information, including a review of whether there is sufficient information in order to make a determination on the postcertification amendment.

(2) Clarifications. For certified sites which have other units or facilities that, due to their size, age, or other factors, were not constructed under the provisions of the Power Plant Siting Act, the licensee shall submit within 12 months after receipt of written notice from the department detailed site plans which delineate those specific parts of the plant and site that are to be evaluated for compliance purposes under certification and those specific parts that will continue under the original permits. However, if such information has been previously submitted in conjunction with a modification which has occurred within the preceding two years, then this provision shall not apply.

Specific Authority 403.504(1) FS. Law Implemented 403.511, 403.516 FS. History–New 2-1-99, Amended_____.

62-17.211 Modification of Certification, Criteria-change Modifications, Transfer of Ownership.

A certification and conditions of certification can be modified only in accordance with Section 403.516, F.S., and this Rule; or in accordance with Section 403.511(5), F.S.; or, as a transfer of certification to a new licensee.

(1) For modifications under the provisions of Section 403.516, F.S., the following shall apply:

(a) Under Section 403.516(1)(a), F.S., the Siting Board may delegate to the department the authority to modify conditions in the certification which have been identified in the adopted conditions as being subject to this provision. This includes the authority to impose new conditions as well as modify existing conditions. The department shall request that such delegation be made as a term of the imposed conditions. A copy of any ~~proposed~~ modification pursuant to this section shall be provided to all the parties.

(b) The process for modifications requested by the licensee shall be in accordance with Section 403.516(1)(c)(b), F.S., and the following:

1. The process is initiated by the filing of a complete and sufficient petition Request for Modification. The petition request shall contain a concise statement of the proposed modification; the factual reasons asserted for the modification; the changes in circumstance which justify the modification; and, a statement of whether, and if so, how the proposed modification if approved would affect the conditions of certification, the site layout or design as depicted in the current version of the application, and the anticipated affects of the proposed modification on the applicant, public, and the environment.

2. To be deemed properly filed, the licensee shall submit the number of paper and electronic copies determined below.

a. The licensee shall consult with the department to determine the number of paper copies needed to support the modification review. At a minimum, The three copies of the request shall be submitted to the department's Siting Coordination Office, one copy shall be submitted to the department's agency clerk, and at least one copy of the request shall be sent to all parties to the original proceedings and any previous modification proceedings, at the last address on record for the party.

b. The licensee shall consult with the department and parties to determine the number of electronic copies needed to support the modification review, and shall submit the number of electronic copies as determined. Parties have a duty to notify the department of changes of address. ~~The applicant shall consult with each affected agency party to determine the number of copies the agency shall require to conduct its review.~~ The applicant shall provide those copies on a timely basis pursuant to Section 403.5064(3), F.S.

3. The department may require notice of the petition request for modification to be published, based on the criteria in Section 403.5115(1)(g)(e), and which shall comply with Rule 62-17.281, F.A.C. ~~The department shall provide or require additional notice of intended agency action on the modification if such notice is required by the conditions of certification or federally delegated or approved permit programs.~~

4. The petition shall be reviewed for completeness. Within 25 days of the filing of the petition with the department, agencies with jurisdictional matters affected by the proposal shall file completeness recommendations with the department. Within 30 days of the filing of the petition with the department, the department shall issue a completeness determination. Any subsequent information filings intended to render the petition complete shall be reviewed by the agencies and the department under these same deadlines. After review of the request and receipt of comments, if any, from the parties and affected persons, the department shall prepare a Proposed Order on the requested modification and distribute it by mail to the parties and any substantially affected persons who have commented on the requested modification. Notice in the Florida

Administrative Weekly regarding the Proposed Order shall be published by the department in accordance with Rule 62-17.280, F.A.C., which shall identify the time period for objections specified in subparagraph ~~6.5~~, below.

5. The department shall send any notice of the proposed order of a modification to the last address of each party to the original certification proceedings as shown in the record of that proceeding, or as may have otherwise been updated by the party.

~~6.5~~ If no objections are received from the parties to the certification hearing within 45 days after issuance of the notice by mail, or from other persons whose substantial interest may be affected thereby within 30 days after publication of the F.A.W. notice specified in 4. above, then a Final Order approving the Modification shall be issued by the department. If written objections are filed which address only a portion of the requested modification, then the department shall issue a Final Order approving the portion of the modification to which no objections were filed, unless that portion of the requested modification is substantially related to or necessary to implement the portion to which written objections are filed.

~~7.6~~ If objections are raised, the following shall apply. Written objections shall only address matters raised in the request for modification and the department's Proposed Order.

a. If objections are raised and agreement cannot be subsequently reached, then pursuant to Section 403.516(1)(c), F.S., a petition for modification may be filed seeking approval for those portions of the request for modification to which written objections were timely filed.

b. Any request for a hearing on the petition modification under Section 403.516(1)(c), F.S., shall be filed with the department and the Division of Administrative Hearings, and served on the parties to the certification hearing and persons who have objected to the modification in writing pursuant to Section 403.516(1)(c)2.,(b), F.S. The request petition shall contain a description of the Petitioner; a copy of the initial Request for Modification specified under subparagraph 1. above; a copy of the objections to the request or proposed Order; ~~a demand for relief to which the petitioner deems himself entitled;~~ the information required by Section 403.516(1)(c)1., F.S.; a statement of all disputed issues of material fact or a statement that there are none; a concise statement of the ultimate facts alleged, including the specific facts the requesting party contends warrant issuance of the modification; a statement of the specific rules or statutes the requesting party contends require issuance of the modification; a statement of the relief sought; and any other information which the petitioner contends is material.

c. In accordance with Section 403.516(1)(c)4.,(2), F.S., a request petition for modification shall be disposed of in the same manner as an application. ~~However, to the extent that the agencies have been afforded an opportunity to review the sufficiency of the information, perform studies, and prepare~~

~~comments on the proposed modification during the initial review of the Request for Modification, these steps need not be repeated.~~ At least 30 days prior to the date set for the hearing, the parties shall file their statement of issues with the administrative law judge and the department. The hearing on the modification petition shall be conducted in the same manner as a certification hearing, and notice of hearing shall be provided as prescribed in Rules ~~62-17.280 and~~ 62-17.281, F.A.C. The modification shall not become effective until approved by the Board or the department.

(c) Administrative res judicata ~~Res Judicate~~ applies to petitions for modification.

(d) Modification fees shall not be required of agencies requesting that the department initiate a modification proceeding.

(2) For modifications pursuant to Section 403.511(5), F.S.

(a) In accordance with Section 403.511(5)(a), F.S., if new rules are adopted which prescribe new or stricter criteria which are applicable to the certified electrical power plant, the certification holder must operate the certified electrical power plant in accordance with such rules unless variances or other relief have been granted.

(b) If, in accordance with Section 403.511(5)(b), F.S., any holder of a certification pursuant to this Part chooses to operate the certified electrical power plant in compliance with any rules subsequently adopted by the department which prescribe criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific, the certification holder shall notify the department prior to modifying its method of operation.

(3) A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing with the department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. Parties shall have 30 days to file in writing with the department any objections to transfer of the certification. Upon the filing with the department of a written agreement from the intended new licensee to abide by all conditions of certification and applicable laws and regulations, the transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57, F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all parties.

(4) For modifications in relation to federally delegated or approved permit programs, ~~if no written objection is raised following notice to the parties and the public pursuant to~~ Section 403.516(1)(b), F.S., the department shall modify a certification order and conditions of certification to conform to any subsequent department-issued amendments, modifications

or renewals of any separately-issued prevention of significant deterioration (PSD) permit, Title V Air Operation permit, National Pollutant Discharge Elimination System (NPDES) permit, or any other permit for the certified electrical power plant issued by the department under a federally delegated or approved permit program so long as no state rule exists which conflicts or is more stringent than the provisos of the federal permits. Pursuant to Section 403.516(1)(b),(2), F.S., if the matter has been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is not required for the modification. However, if the matter has not been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is required for the modification pursuant to Section 403.516(1)(c),(2), F.S.

Specific Authority 403.504(1) FS. Law Implemented 403.511(5), 403.516, FS. History--New 5-7-74, Amended 12-27-77, Formerly 17-17.17, Amended 5-9-83, Formerly 17-17.211, Amended 2-1-99, _____.

62-17.231 ~~Processing of Supplemental Applications.~~

~~(1) A supplemental application shall be submitted in the format and with the same number of copies and in the same manner as provided for by Section 62-17.051, F.A.C., to all parties to the original certification proceeding. The fee shall be as specified in Rule 62-17.293, F.A.C.~~

~~(2) Notice of the filing of a supplemental application shall be provided in accordance with Rules 62-17.280, 62-17.281, and 62-17.282, F.A.C., within 15 days after the supplemental application is determined complete.~~

~~(3) Non-agency parties to the original certification proceedings may become parties to the supplemental certification proceedings by filing a notice of intent to become a party with the department within 30 days of the publication of the newspaper notice of filing of the application or of the Florida Administrative Weekly notice of the filing of the application required by Section 403.5115, F.S. subsection (2) of this section or within 38 days of the non-agency party's receipt of the application. Section 403.508(3)(4), F.S., shall act as a guide for any other agency or person in becoming a party.~~

~~(4) The department shall request assignment of an administrative law judge within 7 days of the filing of a supplemental application with the department.~~

~~(5) The completeness process for supplemental applications is as follows:~~

~~(a) The department shall file a statement with the Division of Administrative Hearings and the applicant as to the completeness of the application within 10 days of the filing of the supplemental application with the department.~~

~~(b) The applicant shall file with the Division of Administrative Hearings and the department a response to the department's statement that the application is incomplete. Such filing shall be made within 15 days of the department's determination and may include a request for hearing.~~

(e) The hearing on completeness shall be held within 45 days of the filing of the application with the Division of Administrative Hearings department and a decision rendered within 10 days of completion of the hearing.

(6) The sufficiency process for supplemental applications is as follows:

(a) The department shall file a statement with the Division of Administrative Hearings and the applicant as to the sufficiency of the application within 35 days of the determination of completeness of the supplemental application. The affected agencies shall advise the department of any sufficiency concerns within 25 days of the determination of completeness of the supplemental application.

(b) The provisions of Sections 403.5067(1)(b) and (c), F.S., shall then apply except that the applicant must initially respond within 25 days to receipt of the department's determination.

(c) If a hearing on sufficiency is requested, the provisions of Sections 403.5067(2) and (3), F.S., shall then apply.

(7) Each affected agency shall file a preliminary statement of issues in accordance with Section 403.507(1), F.S., and Rule 62-17.093, F.A.C., no later than 45 days after distribution of the complete supplemental application.

(8) The department shall issue:

(a) The preliminary determination on New Source Review or Prevention of Significant Deterioration within 90-60 days of the filing of a complete and sufficient site certification application;

(b) A draft Air Operating Permit required by Section 403.0872, F.S., within 90 days of the filing of a complete and sufficient supplemental application; and

(c) A draft Wastewater Permit required by Section 403.0885, F.S., within 90 days of the filing of a complete and sufficient supplemental application.

(9) Each affected agency shall submit a copy of its report on the supplemental application to the department within 45 days of the determination of the complete and sufficient supplemental application by the department.

(10) Notice of the certification hearing shall be published pursuant to Rules 62-17.280 and 62-17.281, F.A.C., within 110 days of the filing of the complete and sufficient supplemental application with the department.

(11) The department shall file the Written Analysis within 120 days of the filing of the complete supplemental application.

(12) The administrative law judge shall hold a certification hearing on the proposed unit not later than 155 days after the filing of the complete supplemental application with the department.

(13) The recommended order of the administrative law judge shall be submitted to the Board no later than 180 days after the filing of the complete and sufficient supplemental application with the department.

(14) The administrative law judge may alter any time limitation upon stipulation between the department and the applicant or for good cause shown by any party.

Specific Authority 403.504(1)(6)(9) FS. Law Implemented 403.5065, 403.507, 403.517 FS. History--New 5-7-74, Amended 12-27-77, Formerly 17-17.21, Amended 5-9-83, Formerly 17-17.231, Amended 2-1-99, _____.

62-17.251 Processing of Application for Certification of an Existing Power Plant Site.

(1) An application for certification of an existing power plant site as defined in Section 403.503(25), F.S., shall be processed in accordance with Section 403.5175, F.S. It shall be submitted in the format and with the same number of copies and distributed in the same manner as provided for by Section 403.5175(2), F.S., and Rule 62-17.051, F.A.C. It shall be accompanied by the application fee prescribed by Rule 62-17.293(1)(b), F.A.C.

(2) Notice shall be published in accordance with Rules 62-17.280, 62-17.281 and 62-17.282, F.A.C.

Specific Authority 403.504(1) FS. Law Implemented 403.5175 FS. History--New 2-1-99, Repealed _____.

62-17.280 Florida Administrative Weekly.

(1) The department shall be responsible for publication of notices required by the Act or these rules in the Florida Administrative Weekly. Each notice should clearly describe a point of entry for persons whose substantial interests are affected or determined by the proceeding by providing:

(a) The time frame in which the person must either petition to intervene or file a notice of intent to become a party;

(b) Reference to the particular rules applicable to becoming a party; and

(c) A statement advising that failure to act within the time frame constitutes a waiver of the right to become a party.

(2) The following notices are to be published by the department, when applicable:

(a) Filing of Notice of Intent, within 21 days of receipt.

(b) Filing of Proposed Binding Written Agreement, within 21 days of receipt.

(c) Filing of Application, no later than 18 days after the application has been determined complete.

(d) Land Use Hearing, no later than 45 days prior to the commencement of the land use hearing.

(e) Land Use Appeal Hearing.

(f) Certification Hearing, no later than 45 days prior to the commencement of the hearing.

(g) Siting Board Hearing.

(h) Notices pertaining to Modifications.

(i) Notices pertaining to Supplemental Applications.

(j) Notices pertaining to Certification of Existing Power Plant Sites.

Specific Authority 403.504(1)(2), 403.5063(2), 403.517(1)(a), 403.517(4) FS. Law Implemented 403.504(2)(5)(9), 403.5063, 403.5115(4), 403.516(1), 403.517, 403.5175 FS. History—New 2-1-99, Repealed.

62-17.281 Newspaper Notice.

The applicant shall provide newspaper notices as required by Section 403.5115, F.S., and as further specified herein. The map required under Section 403.5115(2), F.S., should occupy approximately one-quarter of the notice space. After the notice has been published, the applicant shall forward to the department's Siting Coordination Office one copy of the applicable proofs of publication. The content of any notice shall be approved by the department and may be different than that provided in this rule so long as the deviation does not materially and substantially alter the substance of such notice.

(1) Notice of Intent to File an Application.

(a) ~~The notice shall bear Within 21 days of filing of a Notice of Intent, notice shall be published which bears a prominent heading in bold letters: "Notice of Intent to File Application for Power Plant Site Certification".~~

(b) The notice shall contain at least the following information:

1. The name and a brief description of the site including any associated facilities and corridors, and type and capacity of the power plant;

2. A map showing the location of the proposed site;

3. A statement that "a Notice of Intent to file an application seeking certification authorizing construction and operation of an electrical power plant near _____" <location> "Florida, has been received by the Department of Environmental Protection pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes";

4. The statement "The department and other affected agencies are authorized by Section 403.5063(2), F.S., to enter into binding written agreements with _____" <name of the applicant> "regarding the scope, quantity, and level of information to be provided in the application for certification which will be subsequently filed. The public may provide comments regarding the substance of such agreements. These comments should be addressed to the Administrator, Siting Coordination Office, Department of Environmental Protection, _____ <current address> no later than 30 days from the date of this notice."

(2) Notice of Binding Agreement.

Unless otherwise combined with the notice for the Notice of Intent as allowed under subsection 62-17.041(3), F.A.C., the following notice shall be provided in the newspapers required for other notices under Section 403.5115(2), F.S., within 21 days of the filing of the proposed agreement. The notice shall be 1/4 page in size and shall consist of the following:

(a) The name and a brief description of the site, including type and capacity of the power plant;

(b) A list of places where the proposed agreements are available for public inspection;

(c) The statement "The Department of Environmental Protection and other affected agencies are authorized by Section 403.5063(2), F.S., to enter into binding written agreements with _____" <name of the applicant> "regarding the scope, quantity, and level of information to be provided in the application for certification which will subsequently be filed. The public may provide comments regarding the substance of such an agreement to the Administrator, Siting Coordination Office, Department of Environmental Protection, _____" <current address> ", within 30 days of the publication of this notice";

(d) A statement that any disagreements with the proposed binding written agreement may be submitted by an affected agency to the department and the applicant within 45 days of the publication of the notice.

(3) Notice of Filing of Application.

~~The notice shall bear Within 15 days after the application has been determined complete, notice shall be published which bears~~ the heading "Notice of Filing of Application for Electrical Power Plant Site Certification" in bold letters not less than 3/8 inches high. The notice must substantially contain the following:

(a) A map of the site and any associated facilities and corridors in the counties in which the site, facilities and corridors are located, along with a portion of any adjoining county as deemed necessary by the department. A small "window" map which shows the entire route shall, where possible, be superimposed on a non-relevant part of the main map. Where practicable, geographical and political boundaries, physical features and roadways, and selected sections, townships and ranges, should be shown on the main map. All patterns or other graphics used to indicate special features must be bold enough to register legibly on newsprint. The map should occupy at least one quarter of the display advertisement.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. "Application number _____ for certification to authorize construction and operation of a _____" <size of facility, type of fuels> "electrical power plant and site" <and where appropriate, a general description of any associated facilities such as rail spurs, transmissions lines, or fuel pipelines> "was filed with the Department of Environmental Protection on _____, _____" <date>. "The case is pending before the Division of Administrative Hearings, Case No. _____, prior to action by the Governor and Cabinet, or the secretary, pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes".

2. "The application for certification is available for public inspection during normal business hours at the following locations: _____." <Here list the addresses of the main and

appropriate district offices of the department serving the area of the site and any associated facilities; the general business office of the applicant and the local business office of the applicant, if any, for the site and in every county which any associated facility may be located; and the main public libraries identified in Rule 62-17.051(4)(5)(b), F.A.C.>

3. "State agencies and local governments will be studying the application and preparing reports and recommendations on the proposed facility for the certification hearing. Interested individuals should review the application and bring matters of concern to the appropriate agency's attention as soon as possible. Information regarding the appropriate contact persons in the agencies may be obtained from the Department of Environmental Protection's Siting Coordination Office, _____" <provide address and phone number, and if known, case manager's name>."

(c) The text shall also include the following:

1. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(4) or (4)(b)(5), F.S." <Here list the language of Sections 403.508(3)(4)(c) and (e), and 403.508(4)(b)(5), F.S.>

2. "Any notice of intent to be a party or motion to intervene must be sent to _____, Administrative Law Judge, Division of Administrative Hearings, _____" <current address> ", Tallahassee, Florida, _____, and must contain the following: reference to the application number; the name, address, and telephone number of the agency or person; and, allegations sufficient to demonstrate the agency or person is entitled to participate in the proceeding. The notice or motion must be sent by mail to the applicant and to all parties. (A list of parties may be obtained from the department's Office of Siting Coordination Office at the address above.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C.

3. "In regard to variances or other relief, Section 403.507(3) 403.511(2), F.S., requires that agency reports include a notice of each party shall notify the applicant and other parties at least 60 days prior to the certification hearing of any nonprocedural requirements not specifically listed in the application from which a variance, exemption, exception, or other relief is necessary in order for the Board to certify any proposed electrical power plant to be certified proposed for certification. Rule 62-17.133(1)(2), F.A.C., similarly requires that agencies identify in their reports any such needed variances or other relief. Failure to provide such notice shall be treated as a waiver from nonprocedural requirements of the department or any other agency. However, no variance shall be

granted from standards or regulations of the department applicable under any federally delegated or approved permit program, except as expressly allowed in such program."

(d) Where applicable, the notice shall also state that issues relating to the use of, connection to, or the crossing of properties and works of agencies may be addressed under certification, with a listing of the agencies.

(e) Where applicable, the notice shall also state that a related the application has been filed constitutes a request for:

1. A New Source Review or Prevention of Significant Deterioration Permit; ~~in such instances the notice shall include the language required by Section 403.5115(1)(b), F.S.,~~

~~2. A major source Air Operation Permit,~~

~~2.3. A Wastewater Permit, or~~

3.4. Any other permit issued by the department pursuant to a federally delegated or approved program.

(f) When the application for certification is accompanied by an applicant's Federal coastal zone consistency determination as required by the Federal Coastal Zone Management Act, the following statement shall be included: "This Public Notice is also provided in compliance with the Federal Coastal Zone Management Act, as specified in 15 CFR Part 930, Subpart D. Public comments on the applicant's federal consistency certification should be directed to the Federal Consistency Coordinator, Department of Community Affairs" <current address>.

(4) Notice of Land Use Consistency Determination.

The notice shall bear the heading "Notice of Land Use Consistency Determination on Electrical Power Plant Site" (and/or "Associated Facilities", if applicable) in bold letters not less than 3/8 inches high. The notice must substantially contain the following:

(a) Same as paragraph (3)(a).

(b) Text which substantially states the following:

1. "Application number _____ for certification to authorize construction and operation of a _____" <size of facility, type of fuels> "electrical power plant and site" <and where appropriate, a general description of any associated facilities such as rail spurs, transmissions lines, or fuel pipelines> "was filed with the Department of Environmental Protection on _____" <date>. "Pursuant to Section 403.50665, F.S., _____" <local government name>," is required to file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application.

2. "On <date> <name of local government or governments> issued a determination that the proposed facility <is><is not> with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application."

3. If it has initially been determined that the electrical power plant is not compliant, the following language: “The applicant may apply to the local government for the necessary local approval to address the inconsistencies in the local government’s determination. If the applicant applies to the local government for necessary local land use or zoning approval, the local government shall issue a revised determination within 30 days following the conclusion of any related hearing held by the local government.”

4. “If any substantially affected person wishes to dispute the local government’s determination, he or she shall file a petition with the Department of Environmental Protection, _____ <entity and address>, within 21 days after the publication of notice of the local government’s determination. If a hearing is requested, the designated administrative law judge shall conduct a land use hearing in the county of the proposed site or directly associated facility, as applicable, as expeditiously as possible, but not later than 30 days after the department’s receipt of the petition”.

~~(5)(4)~~ Notice of Land Use ~~and Zoning~~ Hearing.

At least ~~15~~ 45 days prior to the public hearing on land use and zoning issues, notice shall be published as required by Section 403.5115, F.S., and shall bear the heading “Notice of Land Use ~~and Zoning~~ Hearing on Proposed Power Plant Facility”, in bold letters not less than 3/8 inches high. The notice shall contain the following information:

(a) A map meeting the requirements in paragraph (3)(a) above showing the location of the site, and of any associated facilities or corridors.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. Same as subparagraph (3)(b)1. above.

2. A statement that: “Pursuant to Section 403.508, Florida Statutes, a land use ~~and zoning~~ public hearing will be held by the Division of Administrative Hearings on _____, _____, <date> , “ at _____ ” <address, room> “, in _____ County, Florida, at _____ .m.” <time> “to determine whether the site is consistent and in compliance with existing land use plans and zoning ordinances. No other issues will be heard at this land use ~~and zoning~~ hearing. A subsequent public hearing upon the application will be held to consider environmental and other impacts prior to final action by the Governor and Cabinet or the Secretary”.

3. Same as subparagraph (3)(b)2. above.

4. “Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508~~(3)(4)~~ or ~~(4)(5)~~, F.S.” <Here list the language of Sections 403.508~~(3)(4)~~(c) and (e), and 403.508~~(4)(b)(5)~~, F.S.>

5. “Any motion to intervene must be sent to _____, Administrative Law Judge, Division of Administrative Hearings, _____ ” <current address> “, Tallahassee, Florida, _____, and must contain the following: reference to the

application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number; and, allegations sufficient to demonstrate the person is entitled to participate in the hearing. The request must be sent by mail to the applicant and all parties. (A list of parties may be obtained from the department’s Siting Coordination Office, _____ ” <address>“.

Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C.”

6. “Each party shall make available for public inspection at least five days prior to the hearing at a place specified in the public notice any written direct testimony which it intends to submit at the hearing.”

~~(6)(5)~~ Notice of Zoning and Land Use Plan Appeal Hearing.

If the applicant intends to appeal to the Board for a variance, pursuant to Section 403.508~~(1)(f)(2)(f)~~, F.S., because the proposed site is not in compliance with existing land use plans or zoning ordinances ~~and the application for rezoning or for change or amendment of the land use plan has been denied~~, newspaper notice shall be provided which complies with all the requirements of ~~(5)(4)~~ above, except that:

(a) The notice shall be published at least 30 days prior to the zoning or land use plan appeal hearing before the Board, in a newspaper in the jurisdiction of the local government which denied the zoning or land use plan approval;

(b) The heading of the notice shall read: “Notice of Hearing Before the Governor and Cabinet to Determine Whether it is in the Public Interest to Authorize a Nonconforming Use of Land in _____ County (or city) as a Site for an Electrical Power Plant.”

(c) The following statement shall be included in lieu of ~~(5)(b)(4)(a)2.~~ and 4. above:

“Pursuant to Section 403.508, F.S., a zoning appeal or land use plan appeal hearing will be held before the Board on _____, 19__ at _____, in _____ County, Florida at _____ .m. An application for rezoning or change or amendment of the existing land use plan has been denied by _____ ” <name of local government>“ and, upon a finding that it is in the public interest to authorize a nonconforming use of the land as a site for an electrical power plant at this hearing, the Governor and Cabinet are empowered to authorize a nonconforming use or variance. If such a change in land use is granted the responsible zoning or planning authority shall not thereafter change or apply such land use plans or zoning ordinances so as to impair or prevent the proposed use of the site unless certification of the site is subsequently denied.”

(d) Identification of the land use plans or zoning ordinance which are the subject of the appeal shall be provided.

(e) Same as subparagraph ~~(5)(4)(b)6.~~ above.

(7)(6) Notice of Certification Hearing.

Not less than 65 45 days prior to any scheduled certification hearing, notice shall be published as required by Section 403.5115, F.S., and shall bear the heading, "Notice of Certification Hearing on an Application to Construct and Operate an Electrical Power Plant on a Site to be located near _____, Florida". The heading shall be in bold letters not less than 3/8 inches high. The notice shall contain the following information:

(a) A map meeting the requirements in paragraph (3)(a) above showing the location of the site and any associated facilities or corridors.

(b) Text which is the same point size as standard news items and which substantially states the following:

1. Same as subparagraph (3)(b)1., above.

2. A statement that: "Pursuant to Section 403.508, Florida Statutes, the certification hearing is scheduled to will be heard held by the Division of Administrative Hearings on _____, _____" <date> " , at _____" <location> " , in _____" <county or city> " , Florida, at ___:___ .m." <time> "in order to take written or oral testimony on the effects of the proposed electrical power plant or any other matter appropriate to the consideration of the site and associated facilities". The Public Service Commission has previously determined the need for the facility at a separate hearing and need will not be an issue at this hearing. Written comments may be sent to _____," <Administrative Law Judge> " , at _____" <Address> " on or before _____" <date>;

4. A statement indicating where the department's Written Analysis and any written direct testimony will be available for public inspection at least five days prior to the hearing, as required by subsection 62-17.141(2)(3), F.A.C.;

3. Same as subparagraph (3)(b)2. above, pertaining to where a copy of the application can be reviewed.

5. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(4) or (4)(5)(b), F.S." <Here list the language of Sections 403.508(3)(4)(c) and (e), and 403.508(4)(5)(b), F.S.>

6. A motion to intervene must be sent to _____, Administrative Law Judge, Division of Administrative Hearings, _____" <current address> " , Tallahassee, Florida, _____, and must contain the following: reference to the application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number of the person filing the motion; and, allegations sufficient to demonstrate that the person filing the motion is entitled to participate in the hearing. Copies must be sent by mail to the applicant and all parties. (A list of parties may be obtained from the department's Siting Coordination Office, _____" <address>.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be

determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

7. "Pursuant to Section 403.508(6), F.S., the certification hearing may be cancelled if, within 29 days of the certification hearing, all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised, and the department or the applicant requests that the administrative law judge cancel the certification hearing. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with Section 403.509(1)(a), F.S."

(c) Where applicable, the following statements:

1. "Certification of this power plant would allow construction and operation of a new source of air pollution which would consume an increment of air quality resources."

2. "The department's review has separately resulted in an assessment of the prevention of significant deterioration (PSD) impacts and a determination of the Best Available Control Technology (BACT)" <and, where applicable, the phrase: "an assessment of a non-attainment area review and a determination of Lowest Achievable Emission Rate (LAER)"> "necessary to control the emission of air pollutants from this source. The certification hearing may be consolidated with any proceeding relating to the Department of Environmental Protection's preliminary determination for granting a federally required new source review, PSD, or Air Operation Permit."

3. "The certification hearing may include consideration of a federally required Wastewater Permit pursuant to Section 403.5055, F.S."

4. "Pursuant to Section 403.509(5)(2), F.S., _____" <Name of Applicant> "intends to use, connect to, or cross over properties or works of the following agencies: _____."

5. "Pursuant to Section 403.511(2), F.S., _____" <Name of Applicant> "seeks a variance or other regulatory relief from _____" <Rule, Agency> "for the purpose of _____."

6. A statement, where appropriate to the power plant project, that, while an associated facility corridor of up to one mile in width may be certified, the directly affected properties will be within a final right-of-way no greater than _____ feet in width within that corridor;

(d) Where appropriate, a statement shall be included indicating the status of the Coastal Zone Management consistency determination, if any.

(8) Notice of Cancellation of Certification Hearing.

(a) A map which complies with the requirements of paragraph (3)(a) showing the location of the site.

(b) The text for the notice shall substantially read:

1. "The certification hearing originally scheduled for _____ <date>, has been cancelled. In accordance with the Florida Electrical Power Plant Siting Act, Section 403.508(6), F.S., on _____ <date> all parties to this proceeding stipulated that there are no disputed issues of material fact or law to be raised at the certification hearing. Accordingly,

on _____ <date> Administrative Law Judge _____ <name> issued an order granting a request to cancel the hearing and relinquish jurisdiction to the department.

2. Pursuant to Section 403.509(1)(a), F.S., the department will issue a final order within 40 days of the Administrative Law Judges order.

3. "For information, contact: _____ <name>, _____ <phone number and e-mail address> at the Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400."

~~(9)(7)~~ Modifications Notices.

(a) If required by the department, within 21 days after filing of a request for modification, the applicant shall publish notice of the request in a newspaper of general circulation in the county or counties which the modification would affect.

(b) If a hearing is to be conducted in response to a petition for modification, then, pursuant to Section 403.5115(1)(~~g~~)(~~e~~)2., F.S., newspaper notice shall be published no later than 30 45 days prior to the hearing, and shall comply with the following:

1. The notice shall bear the heading, "Notice of Hearing on a Proposed Modification of the _____" <name of facility> "Certified Electrical Power Plant". The heading shall be in bold letters not less than 3/8 inches high.

2. The notice shall contain a map showing the location of the site or part of the site or of any associated facilities or transmission line corridor proposed to be modified.

3. The notice shall contain text which is the same point size as standard news items and which substantially provides the following information:

a. The name of the facility, a brief description of the proposed modification, the date the modification was proposed, and the appropriate case numbers.

b. A list of places where copies of the modification request and pertinent supporting documents are available for public inspection and copying at cost during normal business hours. The list shall include the addresses of the main and the local regulatory district office of the department, the general business offices of the applicant and the local business office of the applicant serving the area of the site and any associated facilities.

c. A statement that: "Pursuant to Section 403.516, F.S., the hearing will be held by the Division of Administrative Hearings on _____, _____" <date> "at _____" <location> "in _____" <county or city> "Florida, at _____:____.m." <time> "in order to receive evidence on the proposed modification of certification. Written comments may be sent to _____, Administrative Law Judge, at _____" <address> "on or before _____" <date>.

d. "Any person wishing to participate in the proceedings, either as a party or without party status, must follow either Section 403.508(3)(~~4~~) or (4)(~~5~~), F.S." <Here list the language of Sections 403.508(3)(~~4~~)(c) and (4)(~~5~~), F.S.>

e. Any motion to intervene must be sent to _____, Administrative Law Judge, Division of Administrative Hearings, _____" <current address> "Tallahassee, Florida, _____. The motion must contain the following: reference to the application number; the case number of the Division of Administrative Hearings; the name, address, and telephone number of the person filing the motion; and, allegations sufficient to demonstrate that the person filing the motion is entitled to participate in the hearing. Copies must be sent by mail to all parties. (A list of parties may be obtained from the department's Siting Coordination Office, _____" <address>.) Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

f. Same as ~~(5)(4)~~(b)6. above.

~~g. Where applicable, a statement that the modification could result in a change to the following federal permits _____, _____" <list name and permit number for each>.~~

~~g.h.~~ Where applicable, a statement reflecting that the modification would result in the use of, connection to, or the crossing over of properties and works of agencies, with a listing of the agencies.

~~h.i.~~ Where applicable, a statement reflecting the licensee's request for a variance or other regulatory relief from the rule of an agency, with a listing of the name, the rule, and the purpose of the variance or other relief.

~~i.j.~~ Where applicable, a statement pertaining to any new corridor or modified corridor proposed for certification under the modification explaining that, while an associated facility corridor of up to one mile in width may be approved under the modification, the directly affected properties will be within a final right-of-way no greater than _____ feet in width within that corridor.

~~(10)(8)~~ Notices for a Supplemental Application.

(a) Filing of a supplemental application.

1. The notice shall ~~bear~~ ~~occupy not less than one-half (1/2) of the newspaper page,~~ bearing the heading, "Notice of Application for Construction and Operation of an Addition to the Power Plant Facility Located Near _____, Florida", in bold letters not less than three-eighths (3/8) inches high.

2. The notice shall contain the following information:

a. The name and brief description of the new power plant facility to be located on the site, including type and capacity to be located on the site;

b. A map which complies with the requirements of paragraph (3)(a) showing the location of the site;

c. A list of places where copies of the application are available for public inspection and copying at cost during normal business hours. The list shall include the addresses of the main and those local regulatory district offices of the

department, those public libraries, those general business offices of the applicant, and those local business office of the applicant nearest to the site;

3. Text which is the same point size as standard news items and which substantially states the following:

a. A statement that: "A supplemental application numbered _____ for certification to authorize construction and operation of an addition to an electrical power plant near _____, Florida, is now pending before the Division of Administrative Hearings pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403, Part II, Florida Statutes."

b. A statement that: "A public hearing on the effects of the construction and operation of an additional electrical power plant that would be located on the previously certified site will be announced in the future, is expected to be held within 150 days. Any person wishing to participate in the proceedings, as a party or without party status, must follow Sections 403.508~~(3)(4)~~ and ~~(4)(b)(5)~~, F.S." <Here list the language of Section either 403.508~~(3)(4)~~(c) or (e), and 403.508~~(4)(b)(5)~~, F.S.

c. A statement that: Any notice of intent to be a party or motion to intervene must be sent to the Division of Administrative Hearings, _____" <current address> ", Tallahassee, Florida, _____, and must contain the following: reference to the application number; the case number of the Division of Administrative Hearing; the name, address, and telephone number of the person wishing to intervene; and, allegations sufficient to demonstrate the person is entitled to participate in the hearing. Copies must be sent by mail to all parties. A list of parties may be obtained from the department's Siting Coordination Office, _____" <address>". Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be qualified to appear in administrative proceedings pursuant to Chapter 120, F.S., or Rule 28-106.106, F.A.C."

(b) Certification hearing. The notice of certification hearing for a supplemental application shall be substantially the same as required in subsection ~~(7)(6)~~ above, with text approved by the department.

~~(11)(9)~~ Notices for Certification of an Existing Power Plant Site.

The same notices as specified in subsections (1) through ~~(8)(6)~~ above shall be published, as applicable, with text tailored to fit the specific project.

(12) Proof of Publication.

The applicant must provide proof of publication of each newspaper notice published in accordance with the above to the Siting Coordination Office within seven (7) days of the applicant's receipt of the proof of publication.

Specific Authority 403.504(1), 403.504(2), ~~403.6063(2)~~, 403.517(1)(a) FS. Law Implemented 403.504(2)(5)(9), 403.5063, 403.5115(4), 403.516(1), 403.517, 403.5175 FS. History--New 2-1-99, Amended _____.

62-17.282 Other Notifications.

~~In addition to the notice requirements of Rules 62-17.280 and 62-17.281, F.A.C., the following notices shall also be provided:~~

~~(1) Land use hearings. The department shall send, by certified mail, return receipt requested, within 10 days of publication of the newspaper notice required by Rule 62-17.281, F.A.C., a copy of the newspaper notice to the chief executive of any local or regional authority having responsibility for zoning or land use planning whose jurisdiction includes the site.~~

~~(2) Land Use Appeal Hearing. The department shall send, by certified mail, return receipt requested within ten (10) days of publication, a copy of the public notice required by subsection 62-17.281(5), F.A.C., to the chief executive of any local or regional authority having responsibility for zoning or land use planning, whose jurisdiction includes the site.~~

~~(3) Certification hearing. The department shall send a news release of the information described by subsection 62-17.281(6), F.A.C., to appropriate news media.~~

~~(4) Modification request. The department shall send notice of the request to the last address of each party to the original certification proceedings as shown in the record of that proceeding, or as may have otherwise been updated by the party.~~

~~(5) Supplemental applications. The department shall issue a news release to the appropriate news media regarding the filing of the supplemental application, and of the information described by subsection 62-17.281(6), F.A.C., regarding the certification hearing.~~

Specific Authority 403.504(1) FS. Law Implemented 403.504(2) FS. History--New 2-1-99, Repealed _____.

62-17.293 Fees, Disbursement of Funds, Contracts.

(1) The Department will take no action on any notice-of-intent, application, or ~~petition~~ for modification until it has received the appropriate fee described below: All fees shall be paid by check made payable to the "Department of Environmental Protection".

(a) Notice of Intent: A fee of \$2,500 for each notice-of-intent to file an application for site certification.

(b) Application An application fee, comprised of the amounts in subparagraphs 1. and 2., as applicable:

1. Fuel, site type, and net generating capacity and fuel to be permitted:

TYPE/CAPACITY	FEE
Nuclear	\$200,000
Fossil fuel (coal, oil or emulsified bitumen, except gas) 500 MW or larger	\$200,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) less than 500 MW	\$175,000 plus (b)2.
Gas-fired, 100 MW or larger	\$150,000 plus (b)2.
Waste-To-Energy, 100 MW or larger	\$150,000 plus (b)2.
Gas-fired or Waste-To-Energy less than 100 MW; Solar or other, any size	\$125,000 plus (b)2.
Combined Cycle fueled by associated coal gasification facilities or oil heavier than #2	\$150,000 plus (b)2.
Combined Cycle fueled by gas or distillate oil, 350 MW or larger	\$125,000 plus (b)2.
Combined Cycle fueled by gas or distillate oil, less than 350 MW	\$100,000 plus (b)2.

2. Associated linear facilities.

For associated linear facilities such as transmission lines, rail lines, or gas or oil pipelines which are proposed to be certified, a fee of \$500 per mile of linear facility, as measured from the edge of the powerblock to the offsite terminus of the linear facility, is required in addition to the specified application fee, up to a maximum total fee of \$200,000.

(c) Modifications.

1. No fee is required for modifications pursuant to Section 403.516(1)(a) or (b). ~~403.516(1)(a), F.S.~~

2. ~~The fee for any other modification A \$10,000 fee for a request for modification or a agreement, pursuant to Section 403.516(1)(b), F.S., shall be based on the number of agencies whose review is required in order to modify the Conditions of Certification due to the proposed equipment redesign, change in site size, type, increase in generating capacity proposed, or change in an associated linear facility location. The number of agencies whose review is required shall be determined by the Department based on the changes proposed to the Conditions of Certification. The fee shall be:~~

- a. One agency \$10,000
- b. Two agencies \$20,000
- c. Three or more agencies \$30,000

~~to be submitted by the licensee when the licensee files a request for modification.~~

3. ~~If the licensee files a request for a hearing petition for modification pursuant to Section 403.516(1)(c)3., F.S., the amount of the fee to be transferred to the Division of Administrative Hearings shall be remitted to the Division by the Department within 60 days after the referral of the request to the Division an additional fee of \$20,000 fee for modification shall be filed with the petition.~~

(d) Supplemental applications. A supplemental application fee comprised of the amounts in subparagraphs 1. and 2., as applicable:

~~1. Based on the Supplemental generating capacity to be added and fuel to be permitted:~~

Type/Capacity of Supplemental Units	Fee
Nuclear	\$75,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) 500 MW or larger	\$75,000
Fossil fuel (coal, oil, or emulsified bitumen, except gas) less than 500 MW	\$65,000
Gas-fired, 100 MW or larger	\$65,000
Waste-To-Energy, 100 MW or larger	\$60,000
Gas-fired or Waste-To-Energy, less than 100 MW; solar or other, any size	\$50,000
Combined Cycle fueled by associated coal gasification facilities or oil heavier than #2	\$75,000
Combined Cycle fueled by gas or distillate oil	\$50,000

2. Additional associated linear facilities.

For associated linear facilities such as transmission lines, rail lines, or gas or oil pipelines which are proposed to be certified in addition to those previously certified, a fee of \$500 per mile of linear facility, as measured from the edge of the powerblock to the offsite terminus of the linear facility, is required in addition to the specified application fee, up to a maximum total fee of \$75,000.

~~(2) All fees shall be paid by check made payable to the department. All fees received under this Part shall be used and managed by the department solely for costs incurred in the conduct of activities pertaining to the notices of intent, applications for certification, postcertification review, or modifications of electrical power plant certifications.~~

~~(2)(3) The following applies to management of the fees application fee:~~

~~(a) The department shall retain the percentages specified in Sections 403.518(2)(a) and (d), F.S. Allocations.~~

~~1. Sixty percent of each application fee shall be reserved for the department's costs associated with reviewing and acting upon notices of intent, applications, or petitions; for the costs of notices published by the department; for Department issued contracts for studies; and for field services associated with monitoring the construction and operation of the facility.~~

(b) The portion of the fee to be transferred to the Division of Administrative Hearings shall be remitted within 60 days after the following events:

a. Assignment of an administrative law judge to conduct the initial exercise of duties, pursuant to Section 403.518(2)(b)1., F.S.

b. The issuance of the recommended order on land use, pursuant to Section 403.508(1)(d), F.S.

c. The issuance of the recommended order on certification, pursuant to Section 403.508(2)(a), F.S.

~~2. Twenty percent of the fee, or \$25,000, whichever is greater, is to be transferred to the Division of Administrative Hearings, in accordance with Section 403.518(1)(b)2., F.S., within 60 days after the assignment of an administrative law judge.~~

~~3. The remainder of the fee shall be reserved for reimbursement as described below for the following agencies for authorized expenses identified in subsection (6) below: the Department of Community Affairs; the Game and Fresh Water Fish Commission; and each water management district, regional planning council, or local government in whose jurisdiction the proposed electrical power plant is to be located, or any other agency from which the department requests special studies pursuant to Section 403.507(2)(a)8., F.S.~~

~~4. In the event that the funds in subparagraph 3. above are not sufficient to provide for complete reimbursement of all agencies, reimbursement to each agency shall be on a prorated basis. The portion of the fee received for the site shall be allocated on a pro rata basis to those agencies with jurisdiction over all or part of the site.~~

~~(c)(b) In order to receive reimbursement for participation in the proceedings, the affected agencies must submit invoices for reimbursement to the Department's Siting Coordination program Office for a validity review prior to processing by the Department's Bureau of Finance & Accounting. The invoices must be submitted no later than 45 days after final action by the Siting Board or after notification of withdrawal of the application. Invoices received after the deadline shall not be deemed eligible for reimbursement unless good cause is demonstrated to the department. Each invoice must be accompanied by an itemization of the time and expenses incurred in accordance with state auditing procedures.~~

~~(e) If any sums are remaining after the payment of the other agencies' eligible expenses, these sums shall be retained by the department for its use in the same manner as is otherwise authorized by the Florida Electrical Power Plant Siting Act, unless the application is withdrawn.~~

~~(d) Authorized agency expenses for DEP and other affected agencies may only include direct costs for those items identified in Section 403.518(2)(c)1., F.S.~~

(e) All contracts must be directly related to the evaluation of the application. Any agency intending to incur an expense for a contract for studies pursuant to Section 403.507, F.S., must first obtain approval from the department for the amount and purpose of such expenditure. All such studies must be

related to the jurisdiction of the agencies and must be directly related to the evaluation of the application. Any such contract must specify that:

1. Receipt of the final results must be available in time for agency report submittals.

2. The studies shall be finalized in writing.

3. Final reimbursement to the contractor shall not occur unless complete results are submitted such that the schedule of subparagraph 1. can be met.

4. The contractor agrees to be available to act as a witness in certification proceedings.

~~(4) The management of the supplemental application fee shall be the same as provided for in (3) above, except that \$20,000 shall be transferred to the Division of Administrative Hearings within 60 days after the assignment of the administrative law judge.~~

~~(5) The following applies to management of the modification fees:~~

~~(a) The disbursement of the initial \$10,000 fee shall be as follows:~~

~~1. The department shall retain \$6,000.~~

~~2. The remaining \$4,000 shall be eligible for pro rata disbursement among the agencies participating in the modification action.~~

~~(b) Where a hearing is required and an additional \$20,000 is submitted, the disbursement of the fee shall be as follows:~~

~~1. The Division of Administrative Hearings shall be transferred \$10,000 after receipt of the petition for modification.~~

~~2. The department shall retain \$6,000.~~

~~3. The remaining \$4,000 shall be eligible for pro rata disbursement among the agencies participating in the modification action.~~

~~(6) The following, subject to any necessary verification, may be considered authorizable, eligible expenses for the processing of notices of intent, applications, or~~

~~(a) Salary costs for the following:~~

~~1. The conduct of studies for, and preparation of, reports required in accordance with Section 403.507, F.S.~~

~~2. Site inspections.~~

~~3. Attendance at hearings, depositions, and other administrative or legal proceedings.~~

~~4. Program administration, technical reviews, and legal support.~~

~~5. Other Personal Service (OPS) help for technical review, site inspections, studies, report preparation and participation in Siting proceedings.~~

~~(b) Contracts for studies approved by the department and which comply with subsection (7) below.~~

~~(c) Travel costs. Any reimbursement claims for travel costs must be accompanied by an approved State of Florida travel voucher.~~

~~(d) Copying and reproduction costs for reports, notices, and legal pleadings.~~

~~(e) Telephone and communication expenses.~~

~~(f) Materials needed for studies and report preparation (e.g. maps, aerial photographs).~~

~~(7) All contracts shall be directly related to the evaluation of the certification application. Any agency intending to incur an expense for a contract for studies pursuant to Section 403.507, F.S., shall first obtain approval from the department for the amount and purpose of such expenditure. All such studies shall be related to the jurisdiction of the agencies and shall be directly related to the evaluation of the certification application. Any such contract must specify that:~~

~~(a) Receipt of the preliminary results will be available in time for agency report submittals with final results available at least 90 days prior to the certification hearing.~~

~~(b) The studies shall be finalized in writing.~~

~~(c) Final reimbursement to the contractor shall not occur unless complete results are submitted such that the schedule of paragraph (a) above can be met.~~

~~(d) The contractor will be available to act as a witness in certification proceedings.~~

Specific Authority 403.504 FS. Law Implemented 403.518 FS. History—New 1-22-91, Amended 1-26-93, Formerly 17-17.293, Amended 2-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mike Halpin at (850)245-8002

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Jeremy Susac at (850)245-8002

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-36.003
RULE TITLE: Medicinal Drugs Which May Be Ordered by Pharmacists

PURPOSE AND EFFECT: The proposed rule amendments are intended bring the rule into compliance with the proposed Board of Pharmacy Rule 61B16-27.220, F.A.C., with regard to medicinal drugs which may be appropriately ordered by pharmacists.

SUMMARY: The proposed rule amendments set forth the various medicinal drugs which may appropriately be ordered by pharmacists.

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: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-36.003 Medicinal Drugs Which May Be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary within the pharmacists professional judgment, subject to the stated conditions,:

(1) Oral analgesics for mild to moderate pain,; The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription shall be limited to a six (6) day supply for one treatment. If appropriate, the prescription shall be labeled to be taken with food or milk.

(a) Magnesium ~~magnesium~~ salicylate/phenyltoloxamine citrate,;

(b) Acetylsalicylic ~~acetylsalicylic~~ acid (Zero order release, long acting tablets),;

(c) Choline ~~choline~~ salicylate and magnesium salicylate,;

(d) Naproxen ~~naproxen~~ sodium,;

(e) Naproxen, ~~naproxen~~, and

(f) Ibuprofen, ~~ibuprofen~~ for minor pain and menstrual cramps for patients with no history of peptic ulcer disease; limited to a six (6) day supply for one treatment. When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(2) Urinary analgesics,; Phenazopyridine ~~phenazopyridine~~, not exceeding a two (2) day supply. The Such prescriptions shall be labeled about as to the tendency to discolor urine. If appropriate, the prescription and when appropriate shall be labeled to be taken after meals.

(3) Otic analgesics,; Antipyrine ~~antipyrine~~ 5.4%, benzocaine 1.4%, glycerin, if clinical signs and symptoms of tympanic membrane perforation do not exist. The product which shall be labeled for use in the ear only.

(4) Anti-nausea preparations,;

(a) Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness and caution against concomitant use with alcohol or other depressants.

(b) Scopolamine not exceeding 1.5 mg. per dermal patch. Patient ~~shall~~ to be warned to seek appropriate medical attention if eye pain, redness or decreased vision develops. "if eye pain develops, seek appropriate medical attention."

(5) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for a patient ~~patients~~ above (6) years of age:

(a) Antihistamines. The pharmacist shall warn the patient that an antihistamine should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. An antihistamine shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.

1.(a) Diphenhydramine.

2.(b) Carbinoxamine.

3.(c) Pyrilamine.

4.(d) Dexchlorpheniramine.

5.(e) Brompheniramine.

(f) Loratadine (maximum 14 days supply only).

~~The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness and caution against the concomitant use with alcohol or other depressants.~~

(g) Fexofenadine.

(h) Azelastine.

(b) Decongestants. The pharmacist shall not order an oral decongestant for use by a patient with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or a patient currently using a monoamine oxidase inhibitor.

(i) Ephedrine.

1.(j) Phenylephrine.

(k) Phenyltoloxamine.

2.(l) Azatadine.

(m) Diphenylpyraline.

~~Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.~~

(6) Anthelmintic; Pyrantel pamoate. ~~The drug product may only be ordered for use by patients over 2 years of age.~~

(6)(7) Topical antifungal/antibacterials;

(a) Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams);

(b) Haloprogin 1%;

(c) Clotrimazole topical cream and lotion; Nystatin topical cream, ointment, lotion or powder, miconazole nitrate topical cream;

(d) Erythromycin erythromycin topical. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.

(7)(8) Topical anti-inflammatory; The pharmacist shall warn the patient that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. The prescription shall be labeled to advise the patient to avoid contact with eyes, mucous membranes or broken skin. Preparations containing hydrocortisone not exceeding 2.5%. The patient shall be warned that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.

(8)(9) Otic antifungal/antibacterial; Acetic acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.

(9)(10) Keratolytics; Salicylic salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.

(10)(11) Vitamins with fluoride. (This does not include vitamins with folic acid in excess of 0.9 mg.)

(11)(12) Medicinal drug shampoos containing Lindane, may be ordered pursuant to the following conditions:

(a) The pharmacist shall;

(a) Limit limit the order to the treatment of head lice only;

(b) Order no more than four (4) ounces per person; and

(c) Provide provide the patient with the appropriate instructions and precautions for use.

(b) The amount allowed per person shall be four ounces.

(13) Antidiarrheal: Loperamide 2mg. per dosage unit. No more than a two day supply may be dispensed.

(14) Smoking cessation products: Nicotine transdermal systems.

(a) Before prescribing, the pharmacist:

1. Must have successfully completed a comprehensive smoking cessation training program such as the American Cancer Society Physician Training Program or other ACPE approved certification program.

2. Must insure patient involvement in a behavior modification program.

~~3. Must insure that there are no medical contraindications for patient participation including pregnancy or breastfeeding, cardiovascular disease (postinfarction, arrhythmias, hypertension, peripheral vascular disease), pheochromocytoma, hyperthyroidism, or insulin dependent diabetes mellitus.~~

~~4. Must inform patients of all contraindications and hazards of drug therapy including drug, food, and nutritional interactions.~~

~~5. Must counsel patients on proper drug use of prescribed product.~~

~~(b) After prescribing, the pharmacist:~~

~~1. May dispense no more than a 14 day supply of nicotine transdermal patches.~~

~~2. May dispense smoking cessation products for no more than 24 consecutive weeks of drug therapy.~~

~~3. May prescribe these products for nicotine replacement only.~~

~~4. Must perform and document follow up counseling during therapy.~~

~~(12)(15) Ophthalmics: Naphazoline 0.1% ophthalmic solution.~~

~~(16) Cough suppressants:~~

~~(a) Guaifenesin.~~

~~(b) Dextromethorphan.~~

~~(17) Vaginal antifungals: Miconazole nitrate suppositories and/or miconazole nitrate cream.~~

~~(13)(18) Histamine H2 antagonists: The pharmacist shall advise the patient to seek medical attention if symptoms persist longer than 14 days while using the medication or if stools darken or contain blood.~~

~~(a) Cimetidine.~~

~~(b) Famotiding.~~

~~(c) Ranitidine HCL.~~

~~Pharmacists shall advise patients that these agents may mask serious disorders.~~

~~(14) Acne products. Benzoyl Peroxide. The prescription shall be labeled to advise the patient to avoid use on the eye, eyelid, or mucous membranes.~~

~~(15)(19) Topical Antiviral:~~

~~(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.~~

~~(b) Penciclovir.~~

~~(20) Acne product: Benzoyl peroxide.~~

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21M-39.003, 61F6-39.003, 59R-36.003, Amended 8-19-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joint Committee, Board of Pharmacy/Board of Medicine;
Rules Committee of the Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 31, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.:

5N-1.140

RULE TITLE:

School Curriculum; Examinations;
Retention of Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 37, September 14, 2007 issue of the Florida Administrative Weekly.

In Rule 5N-1.140, F.A.C., paragraph 3, the following changes will be made: the word “providers” will be changed to the singular wherever it appears plural; the phrase “licensee’s identity” will be changed to “applicant’s identity”; and Form 16060, Certificate of Completion (1/08), to be completed by the exam provider, will be incorporated by reference. History notes will also be corrected by adding spaces for the statutory authority for this rulemaking proceeding.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:

61G1-21.003

RULE TITLE

Continuing Education – Approval of
Subjects and Providers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows: