

F.A.C. The fingerprint card requirement is waived for those associated persons requesting registration with a dealer which is registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference, by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07,_____.

Section II Proposed Rules

DEPARTMENT OF STATE

RULE NO.: 1-2.0031
 RULE TITLE: Public Records Requests: Special Service Charge

PURPOSE AND EFFECT: This rule is being amended to change the way labor cost is calculated for special service charges for extensive public records requests.

The amended rule will make the calculation based on the actual cost of wages and benefits instead of the pay grade of the personnel providing the service. This change is consistent with a recent opinion from the Second District Court of Appeal which held that the cost of labor used in calculating special service charges for responding to extensive public records requests may include both salary and benefits.

The rule amendment also specifies that the calculation of wages and benefits must be based on the lowest paid personnel who has the necessary skill and training to perform the public records request.

SUMMARY: This rule is being amended to change the way labor cost is calculated for special service charges for extensive public records requests.

The amended rule will make the calculation based on the actual cost of wages and benefits instead of the pay grade of the personnel providing the service. This change is consistent with a recent opinion from the Second District Court of Appeal which held that the cost of labor used in calculating special service charges for responding to extensive public records requests may include both salary and benefits.

The rule amendment also specifies that the calculation of wages and benefits must be based on the lowest paid personnel who has the necessary skill and training to perform the public records request.

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: 20.10(3), 119.07(4)(d) FS.

LAW IMPLEMENTED: 119.07(4) FS.

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

DATE AND TIME: July 28, 2008, 10:00 a.m.

PLACE: 500 S. Bronough St., Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Gotfredson, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0031 Public Records Requests: Special Service Charge.

(1) When a public records request is of the nature described in Section 119.07(4)(d), F.S., the following will apply:

(a) The term "extensive" means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (b) and (c) below.

(b) The term "clerical or supervisory assistance" includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(c) The term "use of information technology resources" includes the setup and implementation of ~~an~~ information technology defined in Section 282.0041(10) ~~282.0041(7)~~, F.S.

(2)(a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the cost of wages and benefits of the lowest paid personnel who, in the discretion of the Department, has the necessary skill and training to perform the request ~~current pay grade of the personnel who performed the service~~. The special service charge shall be in addition to the duplication charge as provided in Sections 119.07(4)(a) and (b), F.S., and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to

remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department shall withhold releasing any public records identified pursuant to that request until those amounts are paid in full.

Specific Authority 20.10(3), 119.07(4)(d) FS. Law Implemented 119.07(4)(d) FS. History—New 3-21-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Staci Bienvenu

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lynn Hearn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 16, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-65.020	Definitions
9B-65.021	Distribution of Funds
9B-65.022	Energy Assistance Benefits
9B-65.023	Client Eligibility
9B-65.024	Energy Payments
9B-65.025	Hearings

PURPOSE AND EFFECT: To amend Chapter 9B-65, F.A.C., to implement the Low-Income Home Energy Assistance federally mandated program requirements in the State of Florida.

SUMMARY: The amendment of Chapter 9B-65, F.A.C.

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

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

SPECIFIC AUTHORITY: 163.03(3) FS.

LAW IMPLEMENTED: 163.03(3) FS.

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

DATE AND TIME: July 29, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Community Affairs, Conference Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paula Lemmo, Community Program Manager, Community Assistance Section, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone: (850)488-7541, Fax: (850)488-2488

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-65.020 Definitions.

(1) “Act” means Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, as amended [42 U.S.C. Sections 8621-8629].

(2) “Department” or “DCA” means the Florida Department of Community Affairs.

(3) “Home Energy Crisis” means the situation existing when a household does not have or is in immediate danger of losing home energy for heating or cooling per 42 U.S.C. 8622(6), or there exists an immediate threat to life or health due to the lack of home energy.

(4) “Household” means a person or group of persons residing together in the same dwelling as one economic unit.

(5) “LIHEAP” means the Low-Income Home Energy Assistance Program authorized under the Act, and administered by DCA.

(6) “Poverty Income Guidelines” means the federal poverty guidelines established by the U. S. Department of Health and Human Services and published annually in the Federal Register.

(7) “Subgrant Agreement” means the written contract between the Department and a recipient party, which sets forth the services to be provided with the subgrant funds.

(8) “Subgrantee” is a unit of local government or a not-for-profit organization receiving LIHEAP financial assistance under a subgrant agreement from the Department.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History—New _____.

9B-65.021 Distribution of Funds.

Based on the availability of federal LIHEAP funds each year, the distribution of funds shall be made as follows:

(1) The Department shall retain no more than 3 percent of the total LIHEAP funds received from the federal government for the state administration of the program.

(2) With the approval of the U. S. Department of Health and Human Services, the Department will designate up to the maximum allowed in the Act for weatherization and other energy-related home repair for low-income households.

(3) The Department will provide up to 6 percent of the total LIHEAP funds to the Department of Elder Affairs to assist low-income households that include at least one member age 60 years of age or older.

(4) The Department will reserve funds to be used in case of a weather-related, supply shortage or economic emergency. These funds will be held each year until December 15 and may only be used during state or federal emergencies declared by

the President, the Governor or the Secretary of the Department as he or she deems necessary. After December 15, if no emergency has been declared, the Department will release these funds for energy benefits. When funds are distributed for an emergency, the Department will determine the allowable expenditures of the funds, based on the nature of the emergency.

(5) The balance of the LIHEAP funds shall be awarded through an allocation plan for statewide distribution of the funds based in part on the percentage of poverty population in each service area.

(6) Funds distributed by the Department to Subgrantees which have not been expended at the end of the contract period shall be returned to the Department at the time of close-out.

(7) Subgrantees shall be offered an annual subgrant until they either voluntarily withdraw from the program or are defunded for cause.

(8) When it is necessary to designate a new LIHEAP Subgrantee, the process shall be publicly announced and noticed and shall conform to the requirements of the Act.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History–New _____.

9B-65.022 Energy Assistance Benefits.

(1) The number, nature and amount of energy benefits will be set by DCA and adjusted annually based on funding availability; DCA will notify the Subgrantees in writing at the address stated in the Subgrant Agreement.

(2) The following maximum benefits will be available to eligible households:

(a) One non-crisis benefit per 12 month period;

(b) One summer home energy crisis benefit between April 1 and September 30 each year; and

(c) One winter home energy crisis benefit between October 1 and March 31 each year.

(3) Based on local need for LIHEAP services and other non-LIHEAP energy assistance resources in their service area, the Subgrantee may limit benefits to less than those stated in subsection (2) above.

(4) In the event of an emergency as described in subsection 9B-65.021(4), F.A.C., the Department will allow expenditures of the funds in which the benefits may exceed those given in subsection 9B-65.022(2), F.A.C.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History–New _____.

9B-65.023 Client Eligibility.

(1) Client eligibility will be determined based on the requirements of the Act and Rule Chapter 9B-65, F.A.C.

(2) The household must reside in Florida at the time of application.

(3) A household must apply for assistance from the LIHEAP Subgrantee which is designated to provide services in the county in which the household is located at the time of application.

(4) The applicant is not eligible for assistance if home energy costs are totally included in the rent and the applicant has no obligation to pay any portion of the energy costs.

(5) The following income factors shall be used to calculate client eligibility:

(a) The gross income of all household members is added together to determine eligibility and the level of assistance;

(b) Medicare premiums paid or deducted from Social Security and Railroad Retirement benefits are included in the gross income;

(c) All income received during the twelve-month period prior to the month of application must be verified. If verified income is not available for the entire twelve month period before the month of application, then a shorter period may be used to project estimated annual income. The income amount used must reflect the current economic status of the applicant;

(d) Annual income limits by household size shall be 150 percent of the federally established poverty income guidelines adjusted annually as published in the Federal Register;

(e) Within 30 days of the publication of the federal poverty income guidelines, DCA will send notice of the revised income limits and their effective date to all Subgrantees;

(f) Households receiving Supplemental Security Income (SSI) or Food Stamps or who have applied for and are currently eligible for Weatherization Assistance Program (WAP) or Community Services Block Grant (CSBG) funds are considered automatically eligible. This is used only as a method of determining income eligibility. Program benefits and eligibility policies apply regardless of the method of income documentation;

(g) Any applicant who reports income of less than 50 percent of the current poverty income guidelines and does not receive food stamps must explain how basic living expenses are being provided;

(h) If an applicant fails to provide a reasonable explanation of how the household's basic needs are or were met during the two months prior to application, the applicant will be denied services; and

(i) If an applicant cannot document household income and does not receive food stamps, the Subgrantee shall accept a signed self-declaration of income statement that adequately explains exceptional circumstances and gives the amount of their income.

(6) Priority will be given to those applicants with the "highest home energy needs and lowest household income." This will be determined by taking into account both the energy burden as defined in 42 U.S.C. 8622(2) and the unique situation

of a household that results from having members of vulnerable populations, including children 5 years and younger, the disabled, and frail older individuals.

(7) The following types of households/individuals will not be eligible to receive assistance from this program:

(a) A student living in a dormitory; and

(b) A resident of a group living facility or a member of a private home whose cost of residence is at least partially paid through any foster care or residential program administered by the State.

(8) Determination of eligibility will be made without discrimination as to race, color, sex, age, handicap, religion, national origin or political belief.

(9) Notice of whether an applicant is eligible to receive assistance must be sent to the applicant by first class mail or hand delivery.

(a) If the applicant is eligible, the notice will state the amount of the LIHEAP benefit payment and name of the utility vendor.

(b) Any applicant denied LIHEAP services must be provided a written notice of the denial. At a minimum, the written Notice of Denial and Appeals shall contain the reason for the denial, under what circumstances the client may reapply, what information or documentation is needed for the person to reapply, the name, telephone number and address to whom the re-application or appeal should be sent.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History--New _____.

9B-65.024 Energy Payments.

(1) The Subgrantee shall make energy payments directly to the vendor on behalf of the eligible client. Only in cases where the Subgrantee cannot negotiate direct payment to the vendor will payment to the client be made in the form of a two party check payable to the client and vendor.

(2) The household must provide proof that it is responsible for paying the home energy cost. Fuel or energy types include electricity, fuel oil, kerosene, wood, natural gas, liquid propane or liquid propane gas. If the name on the bill/receipt is different from that of any member of the household, the relationship of the applicant to the fuel purchaser must be explained in the LIHEAP client files.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History--New _____.

9B-65.025 Hearings.

Subgrantees are required to have written applicant appeal procedures. Appeal provisions must be posted in a prominent place in the office visible to all applicants.

Specific Authority 163.03(3) FS. Law Implemented 163.03 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula Lemmo, Community Program Manager, Community Assistance Section, Department of Community Affairs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 28, 2008

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

RULE NO.: 19-8.010
RULE TITLE: Reimbursement Contract

PURPOSE AND EFFECT: The Florida Hurricane Catastrophe Fund (FHCF) seeks to implement changes made to Section 215.555, Florida Statutes, during the 2008 legislative session.

SUMMARY: A fourth Addendum needs to be added which gives effect to the extension of the \$10 million FHCF optional coverage provided by the Legislature during the 2008 session.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost of the proposed amendment to be minimal.

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: 215.555(4) FS.

LAW IMPLEMENTED: 215.555(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer, (850)413-1340, jack.nicholson@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (13) No change.

(14) The reimbursement contract for the 2008-2009 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2008K – "Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #() and The State Board of

Administration of the State of Florida ("SBA") which administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 05/08, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2008 through May 31, 2009.

(15) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2008, Vol. 34, No. 22

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarity and consistency with Florida Statutes.

SUMMARY: The proposed rule is amended for clarity, specifically the ability of inmates to open private bank accounts and the fee exemption for honorably discharged veterans and the requirement that inmates provide notification and documentation of honorable discharge. The proposed rule corrects the reference to the provision of Florida Statutes providing for unclaimed funds to escheat to the state and time period for retention before escheat, and Form DC2-304, Inmate Trust Fund Special Withdrawal, by adding spaces for inmate's dorm and bunk numbers.

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

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

SPECIFIC AUTHORITY: 944.09, 944.516 945.091, 945.215 FS.

LAW IMPLEMENTED: 17.61, 57.085, 717.113, 944.09, 944.516 945.091, 945.215 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: Jamie Jordan-Nunes, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (b) No change.

(c) Inmates may establish personal ~~savings~~ accounts ~~or similar interest-bearing accounts~~ with a bank, savings and loan association, or similar private financial institutions.

(d) through (f) No change.

(g) An inmate's right to establish an ~~savings~~ account ~~with~~ a private financial institution does not in any way diminish the provisions of paragraph 33-602.203(5)(a), F.A.C., Control of Contraband, which limits and controls the amount of money an inmate may have in his possession or Rule 33-602.201, F.A.C., Inmate Property, which does not allow inmates to possess checks, credit cards, debit cards, or other negotiables.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases and \$0.50 for each deposit. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who notify and provide documentation to the department that they have been honorably discharged.

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

(c) Deposits sent by mail are processed using an advanced high-speed processing machine which requires the use of the deposit form; the form should not be photocopied. Attempts will be made to process deposits sent without the accompanying form, but the absence of the form could cause a delay of up to 30 days to process. If staff are unable to determine to which inmate the money is being sent, the money will be returned to the sender with a request for additional information necessary to process the deposit. If staff are unable to determine to which inmate the money is being sent and are unable to return the money because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or receiving inmate is identified. If the inmate remains unidentified for 1 5 ~~years~~ the funds shall escheat to the state as unclaimed funds held by a government agency fiduciaries in accordance with Section 717.113 Chapter 747, F.S.

(d) An inmate may, ~~however,~~ withdraw his funds from the Inmate Trust Fund for deposit into a personal savings account ~~or similar interest bearing account~~ with a private financial institution. If an inmate does not wish his monies to be deposited into the Inmate Trust Fund, he must advise the donor of the funds to send them directly to the private financial savings institution of his choice. This option shall not be available when an inmate is on work release or a similar paid work program. In this case, the provisions of Rule 33-601.602, F.A.C., disbursement of earnings, shall apply. All inmates on work release shall submit their full pay for deposit in the Inmate Trust Fund so that subsistence and transportation costs, restitution, 10% savings hold, and court ordered payments, if applicable, may be deducted. In the case of inmates who are paid via EFT, the funds will be deposited into the Inmate Trust Fund and the same provisions of Rule 33-601.602, F.A.C., shall apply. The inmate may transfer any excess funds to a private account as defined in paragraph (1)(b) in accordance with the personalized program plan.

(3)(a) Inmates with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution's canteen for personal use. Inmates on work release with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, 1711 Mahan Drive, Tallahassee, Florida 32308 or from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~July 13, 2003.~~ If the withdrawal is for the purpose of making a deposit to a personal account with a private financial institution savings or similar interest bearing account in the inmate's name, the check drawn upon the Inmate Trust Fund shall be made payable to the private financial savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the private financial savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

(b) No change.

(4) No change.

(5) When an inmate is released from the control of the department, and his or her inmate trust account balance exceeds \$1.00, the inmate's balance in the inmate trust fund at the time of discharge shall be mailed by the Bureau of Finance and Accounting, Inmate Trust Fund Section, within 45 days of the inmate's release to the address provided by the inmate during the release process. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payer by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by mail to the inmate. Inmates being released will be provided with cash for travel and related expenses. For inmates who meet eligibility requirements set forth in Rule 33-601.502, F.A.C., this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, a hold will be placed on the inmate's trust account and any remaining account balance shall be forwarded as indicated above. Pursuant to Section 717.113 Chapter 717, F.S., in the event that funds are unclaimed after a period of one five years, the balance shall escheat to the state as unclaimed funds held by a government agency fiduciaries.

(6) No change.

(7) When an inmate escapes and is not captured within 30 days, any balance in his Inmate Trust Fund account, in excess of \$1.00, shall be forwarded to the person designated on the inmate's notification record. If this person cannot be located after reasonable efforts, the funds shall be held for one five years and, if unclaimed, shall escheat to the state pursuant to Section 717.113 Chapter 717, F.S.

(8) through (9) No change.

(10) Any cost judgment or other monetary judgment, order, or sanction imposed against an inmate as described in paragraph (9)~~(d)~~ above, shall be paid by offsetting the amount of the judgment or monetary order or sanction against the inmate's funds in his Inmate Trust Fund account in the following manner.

(11) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 17.61, 57.085, 717.113, 944.09, 944.516 945.091, 945.215 FS. History—New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-13-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Straley, Professional Accountant Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Richard D. Davison, Deputy
Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2008

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.733
 RULE TITLE: Visiting – Special Status Inmates
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct cross references and to remove obsolete language.

SUMMARY: The proposed rule amendments reflect the renumbering of Rules 33-506.207 to 33-601.237, F.A.C., and remove the obsolete CVA approval requirement for an inmate in Special Status to receive visiting privileges.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.733 Visiting – Special Status Inmates.
- (1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.
 - (a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden has authority to grant exceptions if the inmate remains at the reception center more than 45 days and the CVA has approved the visitors.
 - (b) No change.
 - (c) Inmates in the youthful offender basic training program shall be allowed visiting in accordance with Rule 33-601.237 ~~33-506.207~~, F.A.C.
 - (2) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard D. Davison, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To address water supply availability issues within the Lake Okeechobee Service Area by amending consumptive use criteria which will also serve as a component of the Lake Okeechobee minimum flow and level recovery strategy. Undertaking this rule development is in response to lower Lake management levels and storage under the newly adopted U.S. Army Corps of Engineers’ interim Lake Okeechobee Regulation Schedule..

SUMMARY: The proposed rules include criteria which will affect applications for consumptive use permits requesting withdrawal of surface water from Lake Okeechobee or hydraulically connected systems. The proposed criteria requires permit applicants to demonstrate the requested allocation will not cause a net increase in the volume of surface water withdrawn from Lake Okeechobee over the base condition water use. Moreover, the criteria states allocation of water to new public water supply uses above the general permit threshold is determined to be incompatible with the Lake Okeechobee water supply source.

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: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS.

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

DATE AND TIME: August 14, 2008, 9:00 a.m.
 PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Harmon, Director, Water Use Permitting Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6777 or (561)682-6777, email: jharmon@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-2.091 Publications Incorporated by Reference.

The "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~", is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

Basis of Review for Water Use Permit Applications within the SFWMD

3.2.1 Restricted Allocation Areas

(G) The following restrictions shall apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin as defined in Section 1.7.3. This rule is a component of the recovery strategy for minimum flows and levels for Lake Okeechobee, as set forth in Chapter 40E-8, F.A.C., to address lower lake management levels and storage under the U. S. Army Corps of Engineers' interim Lake Okeechobee Regulation Schedule (LORS), adopted to protect the public health and safety (April 28, 2008). Compliance with this rule along with the other criteria contained in the Basis of Review implements the objectives of the

District to protect the public health and safety, to prevent interference among legal users of Lake water, to be consistent with the MFL recovery strategy as defined in Rule 40E-8.421, F.A.C., and to ensure that water necessary for Everglades restoration is not allocated for consumptive use.

(1) The rule applies to applications for new projects, modifications to existing projects, and permit renewals for existing projects located within the Lake Okeechobee Basin as described in Section 1.7.3, that propose to use surface water from the "Lake Okeechobee Waterbody," defined as:

(a) Lake Okeechobee as identified in subsection 40E-8.021(12), F.A.C.; or

(b) Integrated conveyance systems that are hydraulically connected to and receive water from Lake Okeechobee such as the Caloosahatchee River, the St Lucie Canal, or secondary canal systems that receive Lake Okeechobee water for water supply purposes via gravity flow or by pump.

This section does not apply to groundwater withdrawals such as withdrawals from wells, mining, and dewatering, or to projects that request to use a volume of water from the Lake Okeechobee Waterbody below the threshold contained in paragraph 40E-20.302(1)(a), F.A.C.

(2) Except as otherwise provided in this section, an applicant must demonstrate the requested allocation will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee Waterbody over the "base condition water use" as defined in paragraphs (a) through (d), below but in no case shall exceed the withdrawal authorized to the applicant as of October 29, 2008. In determining the base condition water use, pursuant to paragraphs (a) through (d) below, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure.

(a) Public Water Supply Use Class: the maximum quantity of water withdrawn by the applicant from the Lake Okeechobee Waterbody during any consecutive twelve month period between April 1, 2001 and October 29, 2008. If a permit allocation existing on October 29, 2008 contains an allocation based on a conversion of

- a water treatment system, the base condition water use shall be increased to account for treatment losses of the new treatment plant as if the treatment system was operational during the above stated time interval;
- (b) Irrigation Use Class: the quantity of water calculated using Section 2.3.and 3.9.1 to meet demands for:
- (i) The maximum number of acres actively irrigated by the applicant from April 1, 2001 and October 29, 2008. When determining the numbers of acres actively irrigated, data regarding historic crop plantings will be evaluated however short term reductions in historic plantings caused by disease or poor market conditions are not to be used in determining the actively irrigated acreage;
or
- (ii) If the irrigation project, or a portion thereof, has been authorized but not yet constructed pursuant to the conditions of a surface water management construction or environmental resource permit or authorization existing on October 29, 2008, the base condition water use will be calculated based on the number of acres and crop type identified in the environmental resource and water use permit or authorization in place as of October 29, 2008;
- (c) Diversion and Impoundment Use Class: the demands of the applicant calculated pursuant to Section 2.7.2 for the physical conditions of the diversion and impoundment system as of October 29, 2008. In situations where historic uses were supplied by the diversion and impoundment project but not expressly identified or incorporated in the diversion and impoundment permit, the base case condition water use will be as calculated to include the historic demands served by the diversion and impoundment project between April 1, 2001 and October 29, 2008.
- (d) Other Use Classes: the maximum quantities of water withdrawn by the applicant (annual and maximum month) between April 1, 2001 and October 29, 2008.
- (3) Applicants shall provide reasonable assurances that the proposed use will not increase the base condition water use from the Lake Okeechobee Waterbody. Demonstration that the proposed use will not increase the base condition water use is provided when the following criteria are met on a project scale:
- (a) Permit Renewals: The requested volume for permit renewal is no greater than the project's base condition water use calculated pursuant to subsection (2) above.
- (b) Modifications that Reduce the Base Condition Water Use: The requested modification results in a reduction in the project's base condition water use. Examples of modifications that could result in a reduction in the project's base condition water use include a reduction in irrigated acreage or change in crop type or irrigation efficiency that lowers water demands. The applicant will be required to calculate the reduction in the project's base condition water use associated with the requested modification.
- (c) Except for those uses as identified in subsection (4) as an incompatible use, allocations above the project's base condition water use as identified in subsection (2) above will be provided from the following sources:
- (i) Certified Project Water. Water provided from an operational water resource development project, as defined in Section 373.019(22), Florida Statutes, that has been certified by the Governing Board for allocation to consumptive uses, as defined in Section 1.8;
- (ii) Lake Okeechobee Waterbody Withdrawals Offset by Alternative Sources. An alternative source of water that is demonstrated to replace the volume, including timing, of water proposed to be withdrawn from the Lake Okeechobee Waterbody over the base condition water use. Examples of offsets include recharge provided by reclaimed water applied to provide recharge to the Waterbody in equal or greater amounts than the proposed increase over the base condition water use;
- (iii) Alternative Water Supply. Water provided from a source not restricted under this section such as groundwater, reclaimed wastewater or stored stormwater; or
- (iv) Terminated or Reduced Base Condition Water Use: Water made available through the termination or reduction of other base condition water uses after October 29, 2008, unless the Governing Board determines that such retired or reduced

base condition water use is demonstrated to improve the performance of an MFL waterbody under recovery in terms of shortening the frequency or duration of projected MFL violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or project.

- (4) Incompatible Use Type: Requested allocations for new public water supply uses that exceed the thresholds in paragraph 40E-20.302(1)(a), F.A.C., or increases in existing uses above the project's base condition water use calculated pursuant to paragraph (2)(a), above, shall not be permitted from the Lake Okeechobee Waterbody. Temporary requested increases over the project's base condition water use from the Lake Okeechobee Waterbody may be granted to accommodate increased demands during a reasonable time period while alternative sources are constructed. The duration of the temporary increase shall be determined based on a construction schedule for the alternative source implemented with due diligence.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Harmon, Director, Water Use Permitting Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-8.421
 RULE TITLE: Prevention and Recovery Strategies
 PURPOSE AND EFFECT: To identify Lake Okeechobee as a waterbody which has experienced or is projected to experience minimum flow and level violations and establish a recovery strategy for Lake Okeechobee. Lake Okeechobee is a part of the Central and Southern Florida Flood Control Project and is subject to a U.S. Army Corps of Engineers (USACE) regulation schedule. Under implementation of the former Water Supply and Environment Lake regulation schedule, the Lake Okeechobee minimum flow and level was not projected to be violated and a prevention strategy existed. Due to recent implementation of a new USACE Lake regulation schedule, the Lake's minimum flow and level is now projected to be violated and a recovery strategy is necessary. This rule changes the Lake's status from prevention to recovery and details the essential components of the Lake's recovery strategy.

SUMMARY: The proposed rules change Lake Okeechobee's minimum flow and level status from prevention to recovery. Moreover, the rule identifies the recovery strategy's four components which will be fully described in the LEC Regional Water Supply Plan Appendix H update. One of these components concerns regulatory constraints which are detailed in a companion rulemaking effort and found in Chapter 40E-2, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: August 14, 2008, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Harmon, Director, Water Use Permitting Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6777 or (561)682-6777, email: jharmon@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-8.421 Prevention and Recovery Strategies.

(1) No change.

~~Harm Standards~~

(2) The Everglades, Lake Okeechobee, and the Caloosahatchee River.

(a) ~~As the effective date of this rule, September 10, 1001, The Everglades, Lake Okeechobee and Caloosahatchee River have experienced or are projected to experience MFL violations. As a result, the LEC Plan and the LWC Plan contain approved recovery strategies, pursuant to Section 373.0421, F.S. Included in these recovery and prevention strategies is the CERP.~~

(b) ~~MFLs for many areas within the Everglades, Lake Okeechobee, and the Caloosahatchee River, that are part of or served by the C&SF Project, will not be achieved immediately upon adoption of this rule largely because of the lack of adequate regional storage, including U.S. Army Corps of Engineers' regulation schedule effects, or ineffective water drainage and distribution infrastructure. Although not all locations within the Everglades are currently in violation of the proposed MFL, the Everglades, as a whole, is subject to a recovery strategy. The LEC Plan identifies the structural and non-structural remedies necessary for the recovery of MFL water bodies. These structural and non-structural remedies are also intended to restore the Everglades, Lake Okeechobee and the Caloosahatchee River above the MFLs, through Chapter 373, F.S., authorities of the District.~~

(c) The projected long-term restoration of flows and levels in the Everglades resulting from implementation of the LEC Plan and the CERP is documented in the LEC Plan, and are intended to more closely approximate "pre-drainage" conditions. The planned components include implementing consumptive use and water shortage programs, removing conveyance limitations, implementing revised C&SF Project operational programs, storing additional freshwater, reserving water for the protection of fish and wildlife, and developing alternative sources for water supply. These components will be implemented over the next 20 years, resulting in a phased restoration of the affected areas.

(d)(e) The District, as the U.S. Army Corps of Engineers' local sponsor of the C&SF Project, is charged with implementing the CERP, in accordance with the Water Resources Development Act of 2000 (WRDA), Title VI entitled "Comprehensive Everglades Restoration," and in accordance with State law. Assurances regarding water availability for consumptive uses and protection of natural systems are set forth in WRDA, Chapter 373, F.S., CERP and the LEC Plan, which will be followed by the District in implementing this chapter. Additional quantities of water for both consumptive uses and the natural systems made available from the CERP and other water resource development projects will be documented and protected on a project basis. For project components implemented under CERP, the additional quantity, distribution and timing of delivery of water that is made available for the natural system for consumptive use, will be identified consistent with purposes of the CERP. Under

State law, water reservations and water allocations to consumptive uses will be utilized to protect water availability for the intended purposes.

(e) Lake Okeechobee. Under implementation of the Water Supply and Environment (WSE) lake regulation schedule assumptions, the Lake Okeechobee MFL was not projected to be violated and a MFL prevention strategy was adopted. However, due to changes in the Lake Okeechobee Regulation Schedule (LORS), which received final approval in April 2008, the Lake MFL is projected to be violated and a MFL recovery strategy is necessary. This recovery strategy will remain in effect until the MFL criteria is met pursuant to Section 373.0421, F.S. The Lake Okeechobee MFL recovery strategy shall consist of four components, as fully described in the LEC Regional Water Supply Plan Appendix H, as updated in October, 2008. These components consist of:

1. Environmental enhancement projects to be implemented during extreme low Lake stages.
2. Regulatory constraints on consumptive use of Lake water.
3. Water shortage restrictions as described in Chapter 40E-22, F.A.C., and
4. Capital projects that improve storage capacity both within and adjacent to the Lake.

~~(3) Lake Okeechobee. The LEC Plan contains an approved prevention strategy for Lake Okeechobee pursuant to Section 373.0421, F.S. The prevention strategy consists of implementing the District's water shortage plan, including supply side management, as simulated in the LEC Plan, and constructing and operating water supply and resource development projects:~~

- ~~(3)(4) Biscayne Aquifer. No change.~~
- ~~(4)(5) Lower West Coast Aquifers. No change.~~
- ~~(5)(6) St. Lucie River and Estuary. No change.~~
- ~~(6)(7) Northwest Fork of the Loxahatchee River Recovery Strategy: Purpose and Intent. No change.~~
- ~~(7)(8) Lake Istokpoga. No change.~~
- ~~(8)(9) Florida Bay. No change.~~

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06, 12-12-06, 4-23-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Harmon, Director, Water Use Permitting Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To address water supply availability issues within the Lake Okeechobee Service Area by amending consumptive use criteria which will also serve as a component of the Lake Okeechobee minimum flow and level recovery strategy. Undertaking this rule development is in response to lower Lake management levels and storage under the newly adopted U.S. Army Corps of Engineers’ interim Lake Okeechobee Regulation Schedule.

SUMMARY: The proposed rules include criteria which will affect applications for consumptive use permits requesting withdrawal of surface water from Lake Okeechobee or hydraulically connected systems. The proposed criteria requires permit applicants to demonstrate the requested allocation will not cause a net increase in the volume of surface water withdrawn from Lake Okeechobee over the base condition water use. Moreover, the criteria states allocation of water to new public water supply uses above the general permit threshold is determined to be incompatible with the Lake Okeechobee water supply source.

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: 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS.

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

DATE AND TIME: August 14, 2008, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Harmon, Director, Water Use Permitting Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680,

1(800)432-2045, ext. 6777 or (561)682-6777, email: jharmon@sfwmd.gov or Beth Ross, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6257 or (561)682-6257, email: bross@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

See Notice of Proposed Rule 40E-20.091, F.A.C., herein, for amendments to Subsection 2.3.1 (G) Basis of Review for Water Use Permit Applications within the South Florida Water Management District

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Harmon, Director, Water Use Permitting Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.011
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to address the definition of services as related to sanitary sewer collections systems, main water distribution systems, storm collection systems, and utility lines.

SUMMARY: The rule amendment will address the definition of services as related to sanitary sewer collections systems, main water distribution systems, storm collection systems, and utility lines.

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

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

SPECIFIC AUTHORITY: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.011 Definitions.

(1) through (14) No change.

(15) "Services" for purposes of sanitary sewer collection systems, main water distribution systems, storm sewer collection systems and utility lines as defined in Section 489.105(3)(n), Florida Statutes, shall include, the construction, installation, and repair of vertical improvements above grade, such as headwalls, end-walls, and retaining walls. Vertical improvements shall not exceed twenty feet in elevation above grade and vertical improvements below grade shall not be restricted. In addition, vertical improvements above grade shall also include structures, not designed for continuous human occupancy, to house pumps, lift stations, or other related equipment. In no case should said structures exceed 500 square feet.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, 10-4-99, 2-12-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-4.002	Definitions
64D-4.003	Eligibility and Documentation Requirements
64D-4.005	Determination and Continued Eligibility

PURPOSE AND EFFECT: The purpose and effect of this amendment will be to increase the Federal Poverty Level and Cash Asset eligibility requirements for the HIV/AIDS Patient Care Programs to increase the number of person's living with HIV disease able to access services.

SUMMARY: The proposed revisions increase the federal poverty level and cash asset limit for those persons living with HIV disease to be able to access services.

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

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

SPECIFIC AUTHORITY: 381.003(1)(c) FS.

LAW IMPLEMENTED: 381.011(1), 381.003(1)(c) FS.

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

DATE AND TIME: July 24, 2008, 10:00 a.m.

PLACE: Prather Building, Bureau of HIV/AIDS, 2585 Merchants Row Boulevard, Room 135Q, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Suzanne Stevens, Bureau of HIV/AIDS, 4052 Bald Cypress Way, BIN A09, Tallahassee, Florida 32399-1715, (850)245-4335

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-4.002 Definitions.

For the purpose of this rule chapter, the words and phrases listed below are defined in the following manner:

(1) through (11) No change.

(12) "Low Income" means a person with a gross income less than or equal to ~~4~~300% of the Federal Poverty Level (FPL) as published and updated annually by the Federal Office of Management and Budget (OMB).

(13) No change.

Specific Authority 381.003(1)(c) FS. Law Implemented 381.011(1), 381.003(1)(c) FS. History--New 3-21-08, Amended.

64D-4.003 Eligibility and Documentation Requirements.

The eligibility and documentation requirements for determination to receive allowable services from the HIV/AIDS Patient Care Programs include the following:

(1) through (5) No change.

(6) An applicant must have low-income with a gross income less than or equal to ~~4~~300% of Federal Poverty Level (FPL) as published and updated annually by the Federal Office of Management and Budget (OMB).

(7) An applicant cannot have cash assets greater than or equal to ~~\$2512~~000.

(8) No change.

Specific Authority 381.003(1)(c) FS. Law Implemented 381.011(1), 381.003(1)(c) FS. History--New 1-23-07, Amended.

64D-4.005 Determination of Continued Eligibility.

(1) through (2) No change.

(3) A client can be determined ineligible to receive services for the following reasons:

(a) A client is no longer living in the state of Florida with the intent to remain in the state.

(b) A client is eligible to receive services or participating in local, state or federal programs where the same type service is provided or available.

(c) A client is no longer considered low-income.

(d) A client's assets exceed ~~\$2512~~000.

(e) A client has not been truthful on the Re-certification Application.

(f) A client has been threatening, hostile and uncooperative towards Department staff.

Specific Authority 381.003(1)(c) FS. Law Implemented 381.011(1), 381.003(1)(c) FS. History--New 1-23-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Suzanne Stevens, Patient Care Program

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joseph P. May, Program Administrator

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-20.0011	Disclosure
69I-20.0027	Payment of Conflicting Claims
69I-20.0028	General Principles for Joint Ownership of Property for Accounts that are not Unclaimed Demand, Savings or Checking Accounts Formerly Held by a Financial Institution
69I-20.0029	Survivorship Accounts Reported by a Financial Institution
69I-20.031	Holder Due Diligence
69I-20.050	Voluntary Disclosure Agreements

PURPOSE AND EFFECT: The purpose of the rules is to do the following:

Rule 69I-20.0011, F.A.C.: The purpose and effect of the proposed rule is to implement the disclosure provisions of Sections 717.135(3) and 717.1351(2) and (4), F.S.

Rule 69I-20.0027: The purpose and effect of the proposed rule amendment is to repeal the conflicting claims rule.

Rule 69I-20.0028, F.A.C.: The purpose and effect of the proposed rule is to provide general principles for jointly owned property.

Rule 69I-20.0029, F.A.C.: The purpose and effect of the proposed rule is to provide that "and" accounts, "or" accounts, and accounts otherwise reported by financial institutions in the name of two or more individuals shall be treated as survivorship accounts in the absence of evidence to the contrary.

Rule 69I-20.031, F.A.C.: The purpose and effect of the proposed rule is to merge the definition of the term "due diligence" codified in Section 717.101(9), F.S., with the statutory provision of Section 717.117(4), F.S., which implements the definition.

Rule 69I-20.050, F.A.C.: The purpose and effect of the proposed rule amendment is to amend the rule and provide that a holder may not enter into a voluntary disclosure agreement if the holder has agreed to a self-audit, been requested by the Department to conduct a self-audit, or has been notified of the Department's intention to audit or examine the holder.

SUMMARY: The proposed rule changes implement the disclosure provisions of Sections 717.135(3) and 717.1351(2) and (4), F.S., repeal the conflicting claims rule which provides six examples of how conflicting claims are to be paid, provide general principles for jointly owned property, provide that accounts reported by financial institutions shall be treated as survivorship accounts in the absence of evidence to the contrary, merge the definition of the term "due diligence" codified in Section 717.101(9), F.S., with the statutory provision of Section 717.117(4), F.S., and provide that a holder may not enter into a voluntary disclosure agreement if the

holder has agreed to a self-audit, been requested by the Department to conduct a self-audit, or has been notified of the Department's intention to audit or examine the holder.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 655.005, 655.79, 717.101, 717.117, 717.119, 717.124, 717.1241, 717.12403, 717.126, 717.129, 717.135, 717.1351, 731.201 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: Thursday, August 7, 2008, 9:00 a.m.

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULES IS:

69I-20.0011 Disclosure.

(1) For purposes of the FULL DISCLOSURE STATEMENT codified in Sections 717.135(3) and 717.1351(2), F.S., the mailing address of the Bureau of Unclaimed Property is "State of Florida Department of Financial Services, Bureau of Unclaimed Property, P. O. Box 1910, Tallahassee, FL 32302-1910".

(2) For purposes of the FULL DISCLOSURE STATEMENT codified in Sections 717.135(3) and 717.1351(2), F.S., the Internet address of the Bureau of Unclaimed Property is "www.fltreasurehunt.org".

(3) For purposes of the FULL DISCLOSURE STATEMENT codified in Sections 717.135(3) and 717.1351(2), F.S., and for purposes of Section 717.1351(4), F.S., the property description obtained from the CD-ROM of claimable accounts obtained from the Bureau of Unclaimed Property may be used as the property category.

(4) For purposes of the FULL DISCLOSURE STATEMENT codified in Sections 717.135(3) and 717.1351(2), F.S., the property category, date of last contact, and property remitted by or holder information from a single account that is being claimed may be disclosed in the FULL DISCLOSURE STATEMENT.

Specific Authority 717.138 FS. Law Implemented 717.135, 717.1351 FS. History--New _____.

69I-20.0027 Payment of Conflicting Claims.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.1241, 717.126 FS. History--New 1-3-05, Repealed _____.

69I-20.0028 General Principles for Joint Ownership of Property for Accounts that are not Unclaimed Demand, Savings or Checking Accounts Formerly Held by a Financial Institution.

(1) Tenancy in common. Generally, each owner is entitled to receive a percentage share of the unclaimed property. If there are two owners, each owner will receive 50%; if there are 3 owners, each owner will receive 33.33%, etc. If an owner dies, the percentage share of the unclaimed property shall be remitted to that owner's estate or beneficiary, as defined in Section 731.201, F.S., provided that entitlement is established in accordance with Section 717.126, F.S. Unclaimed property reported with more than one owner designated with the word "and" is treated as a tenancy in common.

(2) Joint Tenancy with Rights of Survivorship. This type of property involves two or more people. Generally, each owner is entitled to receive a percentage share of the unclaimed property. If there are two owners, each owner will receive 50%; if there are 3 owners, each owner will receive 33.33%, etc. If one of the owners dies, the remaining owner or owners are entitled to receive the unclaimed property. If all owners are deceased, the unclaimed property shall be remitted to the estate or beneficiary of the last surviving owner provided that entitlement is established in accordance with Section 717.126, F.S.

(3) Tenancy by the Entirety. This type of tenancy applies only to married persons. Both persons must file a claim for the unclaimed property. If one spouse dies, the surviving spouse is entitled to the unclaimed property. If both owners are deceased, the unclaimed property shall be remitted to the estate or beneficiary of the last surviving spouse provided that entitlement is established in accordance with Section 717.126, F.S. If the spouses divorce, the tenancy by the entirety is converted to a tenancy in common.

Specific Authority 717.138 FS. Law Implemented 717.124, 717.126, 731.201 FS. History--New _____.

69I-20.0029 Survivorship Accounts Reported by a Financial Institution.

(1) In the absence of evidence to the contrary, an unclaimed demand, savings, or checking account from a financial institution as defined in Section 655.005, F.S., reported to the Department as an “and” account or as an “or” account, or otherwise reported in the name of two or more persons shall be treated as a survivorship account notwithstanding Rule 69I-20.0028, F.A.C.

(2) This rule relates to proving entitlement pursuant to Section 717.126, F.S., and shall not be interpreted as affecting any private cause of action that one account holder may have against a joint account holder.

Specific Authority 717.138 FS. Law Implemented 655.005, 655.79, 717.12403, 717.126 FS. History–New _____.

69I-20.031 Holder Due Diligence.

Holders of inactive accounts having a value of \$50 or more shall, not more than 120 days and not less than 60 days prior to filing the unclaimed property report, send written notice to the apparent owner's last known address informing the apparent owner that the holder is in possession of property subject to Florida’s Disposition of Unclaimed Property Act, Chapter 717, Florida Statutes. However, if the holder has in its records an address for the apparent owner which the holder's records disclose to be inaccurate, the holder shall use due diligence to locate the apparent owner. “Due diligence” means the use of reasonable and prudent methods under particular circumstances to locate apparent owners of inactive accounts using a taxpayer identification number or social security number, if known. Reasonable and prudent methods may include, but are not limited to, using a nationwide database, cross-indexing with other records of the holder, or engaging a licensed agency or company capable of conducting such search and providing updated addresses.

Specific Authority 717.138 FS. Law Implemented 717.101, 717.117 FS. History–New _____.

69I-20.050 Voluntary Disclosure Agreements.

(1) The Department's ~~mission goal~~ is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses (“Holders”) inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida’s Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a ~~Holder holder~~:

(a) It relieves the Holder of associated expense and liability holding unclaimed property;

(b) Penalties and fines are not assessed by the Department;

(c) The reach back period for the review of the Holder’s records is five years instead of ten years; and

(d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.

(2) To participate in this program, the Holder must not:

(a) Be currently under examination or audit; ~~or~~

(b) Have filed an annual report of unclaimed property with the Department,

(c) Have agreed to a Department assisted or contractor assisted self-audit,

(d) Have been requested to conduct a Department assisted or contractor assisted self-audit, or

(e) Have been notified by the Department or by one of the Department’s contract auditors of the intention or desire to conduct an examination or audit of the holder.

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129 FS. History–New 1-3-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2008

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.001	Definitions
5F-11.022	Marking of Containers
5F-11.026	Unsafe Container or System
5F-11.029	Inspection of DOT Cylinders
5F-11.047	Connecting or Disconnecting Cylinders, Tanks, or Systems;
	Notice to Owner; Transportation
5F-11.080	Penalties; General