

69L-24.0241 Employee Failure to Appear for Independent Medical Examination.

~~The carrier may contact the injured employee directly to schedule a reasonable time for an independent medical examination. The carrier has an obligation to confirm, in writing, the date and time of such examination to the injured employee within five days of the date and time the carrier and employee agreed to such examination. The carrier must also notify the injured employee's counsel, if any, of such examination no later than seven days prior to the date such examination is scheduled.~~

~~(1) For purposes of this section, "reasonable time" means a time acceptable to both parties.~~

~~(2) Injured employees are required to appear for all properly scheduled independent medical examinations, unless the injured employee can provide good cause for his absence. For purposes of this section, good cause can be established by showing that an immediate illness, injury, unforeseen event or intervening circumstances prevented the injured employee's appearance. An injured employee who does not properly provide at least 24 hours' notice of cancellation and cannot demonstrate good cause for his/her nonappearance for the independent medical examination shall not be excused from the sanctions of subsections (3) and (4) below.~~

~~(3) An injured employee who fails without good cause, as set forth above, to appear for the scheduled independent medical examination shall reimburse the carrier 50 percent of the cancellation or no show fee. The carrier may withhold no more than 20 percent of each bi weekly installment amount payable to the injured employee when recouping from the injured employee a cancellation or no show fee that has been paid by the carrier. The carrier shall not recoup more than 50 percent of the actual cancellation or no show fee.~~

~~(4) An injured employee who fails, without good cause as set forth in subsection (2), to appear for the scheduled independent medical examination is barred from recovering compensation for any period during which the injured employee has refused to submit to such examination. Compensation under this paragraph means indemnity benefits.~~

Specific Authority 440.591 FS. Law Implemented 440.13(5)(d) FS. History—New 8-29-94, Amended 5-14-95, Formerly 38F-24.0241, 4L-24.0241, Repealed _____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-30.001	Rule Numbering and Rule Titles
1B-30.0015	Definitions

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials

1B-30.003 Publication of Notices in the Florida Administrative Weekly (FAW)

1B-30.004 Legal Citations and History Notes

1B-30.005 Materials Incorporated by Reference

PURPOSE AND EFFECT: These rules were amended to: (1) clarify previously required agency rulemaking requirements by adding detail and changing the location of some rule sections; (2) to include instructions for electronic filing procedures for "e-rulemaking;" and (3) to include new rulemaking requirements to comply with changes in Chapter 120, Florida Statutes (2008).

SUMMARY: These rules were transferred from Chapter 1S-1 to Chapter 1B-30, F.A.C. References to "Bureau of Administrative Code" were changed to "Administrative Code and Weekly Section."

Rule 1B-30.001: Three agency rule titles were added (69, 70, and 71).

1B-30.0015: The following terms with definitions were added: "General notice," "Proposed Rule," "Promulgate," "Rule Certification Form," "Rule Notice," "Rule Number," "Rule Title," "Rulemaking," "Sub-unit," and "Title Number." The following terms with definitions were deleted: "Change/Change Notice/Modification," "Deliver for Publication," "New Rule," "Strike Through," and "Underline." The following terms with definitions were modified: "Amended Rule," "Law Implemented," "Rule Chapter," and "File for Adoption." The term "Coded Copy" was changed to "Coding."

1B-30.002: Agencies must include a cover letter with each certification packet, designating its contact person for the rule being filed for adoption. Agencies may submit rules on compact discs or DVD's, in addition to the previously required 3.5" diskette. The certification forms used when filing rules under Sections 120.54(3), 120.54(1)(i)5., 120.54(6), and 403.8055, Florida Statutes, were amended to include a provision that agencies have complied with all applicable rulemaking requirements of the Department of State. In addition, a rule of another agency or a federal regulation may only be effective upon or after the date of filing for its adoption."

1B-30.003: This rule was amended to include the instructions for use of the Department of State's electronic rulemaking website: "e-rulemaking." The rule number and first line of each sub-unit of rule text must be indented by 0.25 inch. Detail was added regarding how to code rule text. Several subsections were modified to clarify rulemaking requirements. The Notice of Rule Development provides agencies the option to voluntarily schedule a rule development workshop, without public request. A DEP Notice of Intent to Adopt A Rule in accordance with Section 120.54(1)(i)5., Florida Statutes, was

added. The following was added to the Notice of Change: “The reason for this change (select one) (1) public hearing; (2) written material received on or before the date of the public hearing; or (3) proposed objection by JAPC. The Notice of Proposed Rule requires that agencies submit a SERC if a rule will have an impact on Small Business (as required by the Small Business Regulatory Relief Act located in Section 288.001, and effective July 1, 2008, which also amended Chapter 120, Florida Statutes, in Section 120.54(3)(b)(1). Agencies must also certify that their agency head has approved proposed rules. Forms for notice and disposition of rule waivers or variances were added.

1B-30.004: Additional language was added to specify what information should be included in legal citations and history notes. “Specific Authority” was changed to “Rulemaking Authority” to comply with Chapter 120, Florida Statutes (2008).

1B-30.005: A reference to incorporate a form should include the title, form number, effective date and information regarding how to obtain a copy of the form. An incorporated form must display its title, form number, effective date, and the citation to the rule that incorporates it.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The agency has determined that the amendment of these rules will not have an impact on small business.

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: 120.54(1)(i)6., 120.55(1)(d) FS.

LAW IMPLEMENTED: 120.54(2), (3)(e)4., (6), 120.542(6), (8), 120.55(1)(c), (3), 403.8055 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: January 12, 2009, 10:00 a.m.

PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Staci Bienvenu, Office of General Counsel, Department of State, R. A. Gray Bldg., Tallahassee, FL 32399-0250, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 1B-30.001 follows. See Florida Administrative Code for present text.)

1B-30.001 Rule Numbering and Rule Titles System.

(1) A decimal numbering system similar to that used in the Florida Statutes shall be used to designate all rules filed with the Administrative Code and Weekly Section, except emergency rules. Emergency Rules are numbered as specified in subsection (2) of this rule.

(a) The Administrative Code and Weekly Section of the Department of State shall assign each agency, or closely related group of state agencies, a title number. (Example: The title number assigned to the Department of State is 1).

(b) The following title numbers are assigned to the corresponding agencies:

- 1 = Department of State
- 2 = Department of Legal Affairs
- 3 = Department of Banking and Finance (Transferred to Title 69)
- 4 = Department of Insurance (Transferred to Title 69)
- 5 = Department of Agriculture and Consumer Services
- 6 = Department of Education
- 7 = Department of Business Regulation (Transferred to Title 61)
- 8 = Department of Commerce (Repealed by Section 3, Chapter 96-320, Laws of Florida)
- 9 = Department of Community Affairs
- 10 = Department of Health and Rehabilitative Services (Transferred to Titles 58, 59, 64 and 65)
- 11 = Department of Law Enforcement
- 12 = Department of Revenue
- 13 = Department of General Services (Transferred to Title 60)
- 14 = Department of Transportation
- 15 = Department of Highway Safety and Motor Vehicles
- 16 = Department of Natural Resources (Transferred to Titles 40, 49, 62, 66 and 68)
- 17 = Department of Environmental Regulation (Transferred to Title 62)
- 18 = Board of Trustees of the Internal Improvement Trust Fund
- 19 = State Board of Administration
- 20 = Department of Citrus
- 21 = Department of Professional Regulation (Transferred to Titles 59, 61 and 64)
- 22 = Department of Administration (Transferred to Title 60)
- 23 = Parole Commission
- 24 = Pardon Board
- 25 = Public Service Commission
- 26 = Assessment Administration Review Commission
- 27 = Executive Office of the Governor
- 28 = Administration Commission
- 29 = Regional Planning Councils
- 30 = Regional Transportation Authorities
- 31 = Loxahatchee River Environmental Control District
- 32 = State Fair Authority
- 33 = Department of Corrections
- 34 = Commission on Ethics

- 35 = Metropolitan Planning Organizations
- 36 = Englewood Water District
- 37 = Advisory Council on Inter-Governmental Relations
- 38 = Department of Labor and Employment Security (Dissolved pursuant to Chapter 2002-194, Laws of Florida)
- 39 = Game and Fresh Water Fish Commission (Transferred to Title 68)
- 40 = Water Management Districts
- 41 = Commission for the Transportation Disadvantaged
- 42 = Florida Land and Water Adjudicatory Commission
- 43 = Fiscal Accounting Information Board
- 44 = Information Resource Commission
- 45 = Expressway Authorities
- 46 = Marine Fisheries Commission (Transferred to Title 68)
- 47 = High Speed Rail Transportation Commission
- 48 = Florida Keys Aqueduct Authority
- 49 = Regional Utility Authorities
- 50 = Alligator Point Resource Board
- 51 = Hillsborough County Consolidated Taxicab Commission
- 52 = Port of Palm Beach District
- 53 = Department of the Lottery
- 54 = Interlocal Agencies
- 55 = Department of Veterans' Affairs
- 56 = Clean Florida Commission
- 57 = Spaceport Florida Authority
- 58 = Department of Elder Affairs
- 59 = Agency for Health Care Administration
- 60 = Department of Management Services
- 61 = Department of Business and Professional Regulation
- 62 = Department of Environmental Protection
- 63 = Department of Juvenile Justice
- 64 = Department of Health
- 65 = Department of Children and Family Services
- 66 = Navigation Districts
- 67 = Florida Housing Finance Corporation
- 68 = Fish and Wildlife Conservation Commission
- 69 = Department of Financial Services
- 70 = Department of Military Affairs
- 71 = Agency for Enterprise Information Technology

(c) If more than one major activity or division exists within an agency, an uppercase letter shall be added to the title number to distinguish the major activities or divisions. Individual agencies within a group of closely related agencies sharing a title number shall also be designated by an uppercase letter following the title number. Letters added to title numbers are considered a part of the title number. (Example: Department of State adding to title number 1 the letters A, B, etc., so that they read 1A, 1B, etc.)

(d) If a unit of government which has independent rulemaking authority performs a function within a major activity of an agency or is a part of an individual agency which is one of a closely related group of agencies sharing a common

title number, the title number and letter shall be followed by an Arabic numeral which shall be part of the title number. (Example: 6C1, 6C2, etc.)

(e) If more than one function exists within a division, within a major activity of an agency or within an agency included in a group of closely related agencies sharing a title number, a hyphen followed by a separate chapter number shall be used to designate rules applicable to each function. (Example: 1A-1 and 6C1-2).

(f) A decimal point shall follow each chapter number. The digits immediately following the decimal point shall identify rules within a chapter. Each rule shall be numbered with a minimum of three digits after the decimal point. (Example: 1B-30.001).

(g) Following is a description of each component of a rule citation for Rule 1B-30.001: Title Number (1); Division (B); Chapter (30); and the three digit identification number (.001).

(2) The rule number for an emergency rule shall be designated as follows:

(a) Emergency rule numbers shall begin with the title number assigned to an agency as specified in paragraph (1)(b) of this rule. (Example: The title number assigned to the Department of State is 1).

(b) Alphabetical and numerical designations required by paragraphs (1)(c) and (1)(d) of this rule may be added to the title number. These alphabetical and numerical designations become part of the title number. (Example: 1A, 6C1, etc.).

(c) The letters "ER" and the last two digits of the calendar year in which the rule is filed shall immediately follow the title number. (Example: 1AER07 or 6C1ER07).

(d) A hyphen shall separate the last two digits of the calendar year and an additional numerical designation. The additional numerical designation indicates the number of emergency rules promulgated by the agency for that calendar year. (Example: 1AER07-1 and 1AER07-2 or 6C1ER07-6 and 6C1ER07-7).

1. The numerical designation is cumulative, starting with the number one. The numerical designation is determined by calculating the total number of emergency rules adopted by all divisions, major activities, and units of government within an agency assigned to the same title number.

2. The numerical designation restarts on January 1 of each year.

(3) Sub-units of rules are indicated as follows:

(a) Subsections by an Arabic numeral in parentheses.

(b) Paragraphs within a subsection by a lowercase letter in parentheses.

(c) Subparagraphs within a paragraph by an Arabic numeral followed by a decimal point.

(d) Sub-subparagraphs within a paragraph by a lowercase letter followed by a decimal point.

(e) A new sub-unit of rule text shall not be created unless the new sub-unit contains two or more parts. (Example: subsection (1) shall not be added unless there is at least a subsection (2). Similarly, paragraph (a) shall not be added unless there is at least a paragraph (b)).

(4) The rule number and the first line of each sub-unit rule text shall be indented 0.25".

(5) The Administrative Code and Weekly Section may, upon proper notification, change the rule number or any sub-unit of a rule when the change is needed to preserve the overall integrity of the numbering system used in the Florida Administrative Code.

(6) The adopting agency shall submit a rule title for each rule, which shall immediately follow the rule number. The rule title is not part of the substantive language of the rule and may be altered by the Administrative Code and Weekly Section if it does not sufficiently indicate the content of the rule to make it useful for indexing purposes.

(7) Rule numbers and rule titles will be listed at the beginning of each rule chapter when published in the Florida Administrative Code.

(8) A rule section in its entirety, may be transferred, with no changes to the text, to a new location in the Florida Administrative Code and shall be renumbered accordingly by the agency by writing a letter to the Administrative Code and Weekly Section requesting such transfer of a rule section. Transferring a rule in this manner does not require notification in the Florida Administrative Weekly.

(9) An agency shall not reassign numbers of repealed or transferred rules.

Rulemaking Specific Authority 120.55(1)(d)(e) FS. Law Implemented 120.55(1)(c) FS. History—New 5-29-80, Formerly 1-1.01, Amended 10-1-84, 11-14-85, 4-10-90, 6-17-92, 4-1-96, 9-13-98, 6-20-02, Formerly 1S-1.001, Amended _____.

(Substantial rewording of Rule 1B-30.0015 follows. See Florida Administrative Code for Present text.)

1B-30.0015 Definitions.

Definitions as used in Rule Chapter 1B-30, F.A.C.

(1) "Amended Rule" means a rule which is being or has been altered by adding, deleting or rephrasing text currently published in the Florida Administrative Code.

(2) "Coding" is a method by which rule text is underlined to indicate that text is new and stricken through to indicate that text is deleted.

(3) "File for Adoption" means delivery of a signed certification packet to and acceptance by an official in the Administrative Code and Weekly Section who is authorized to file official rulemaking documents.

(4) "General Notice" means any notice published in the Florida Administrative Weekly not defined as a "Rule Notice."

(5) "Law Implemented" means the language of the enabling statute being carried out or interpreted by an agency through rulemaking.

(6) "Proposed Rule" is a rule which is not yet adopted, but is currently undergoing rulemaking.

(7) "Promulgate" is the formal term used to refer to the rulemaking process authorized by Chapter 120, F.S.

(8) "Repealed Rule" is a rule which has been or is currently being revoked or rescinded.

(9) "Rule Certification Form" is the form signed by the person authorized to certify that the agency has complied with the statutory time limitations, that all rulemaking requirements have been met and that there is no administrative determination pending on the rule being filed for adoption.

(10) "Rule Chapter" refers to a number that identifies a major group of similar rules relating to a particular function within a division, within a major activity of an agency or within an agency included in a group of closely related agencies sharing the same title number. For example, "1B-30" is a rule chapter which contains several individual rules of the Department of State, relating to a particular function.

(11) "Rule Notice" refers to a Notice of Rule Development, Notice of Proposed Rulemaking, Notice of Intent to Adopt a Rule, Notice of Change, Notice of Withdrawal or a Notice of Emergency Rules.

(12) "Rule Number" is the entire rule number comprised of the title number, the chapter number, the decimal point and the three digit identification number.

(13) "Rule Title" is the description of the rule which sufficiently indicates its content.

(14) "Rulemaking" means the adoption, amendment or repeal of a rule.

(15) "Rulemaking Authority" means the statutory language that explicitly authorizes or requires an agency to adopt, develop, establish, or otherwise create any statement coming within the definition of the term rule. (Notice: prior to July 1, 2008, this term was "Specific Authority." In the history notes for rules promulgated after the effective date of this rule, the term "Rulemaking Authority" should be used rather than "Specific Authority." History notes for rules promulgated prior to the effective date of this rule, using "Specific Authority," shall remain undisturbed, until and unless such rules are amended.)

(16) "Sub-unit" means a subsection, paragraph, subparagraph or sub-subparagraph of a rule.

(17) "Title Number" is the number assigned to each agency or closely related group of state agencies by the Department of State.

(18) "Transferred Rule" is a rule which has been renumbered and relocated from one rule chapter to another, with no changes in the text of the rule. The history note of the transferred rule includes the former rule number.

Rulemaking Specific Authority 120.55(1)(d)(e) FS. Law Implemented 120.55(1)(c) FS. History--New 9-2-93, Amended 4-1-96, Formerly 1S-1.0015, Amended _____.

(Substantial rewording of Rule 1B-30.002 follows. See Florida Administrative Code for Present text.)

1B-30.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) An agency shall file a complete rule certification packet when filing a rule for adoption with the Administrative Code and Weekly Section.

(a) A complete rule certification packet for all rules, except emergency rules, shall consist of the following:

1. A cover letter designating the agency's contact person for the rule filed for adoption. The letter shall include the contact person's phone number, physical mailing address and email address.

2. One compact disc, DVD or a 3.5" diskette containing the coded text of the rule(s).

3. One original certified copy of materials incorporated by reference, if applicable. Materials incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.

4. One original and two copies of the following:

a. The signed rule certification form.

b. The coded text of the rule, including the legal citations and history notes.

c. A summary of the rule.

d. A detailed written statement of the facts and circumstances justifying the rule.

e. A summary of any hearings held on the rule. A summary of any hearing held on the rule shall include the time, date and place of the hearing. When no public hearing is held, the summary shall include the following statement: "No timely request for a hearing was received by the agency, and no hearing was held".

(b) For emergency rules, a complete rule certification packet filed with the Administrative Code and Weekly Section shall consist of the following:

1. A cover letter designating the agency's contact person for the rule filed for adoption. The letter shall include the contact person's phone number, physical mailing address and email address.

2. One compact disc, DVD or 3.5" diskette containing the coded text of the rule, if the emergency rule filed by the agency is statutorily permitted to exceed the 90-day effective period specified in Section 120.54(4)(c), F.S. Emergency rules with a maximum effective period of 90 days, as permitted by Section 120.54(4)(c), F.S., are not required to submit a compact disc, DVD or 3.5" diskette containing the coded text of the rule.

3. One original certified copy of materials incorporated by reference, if applicable. Materials incorporated by reference shall be certified pursuant to the requirements of Rule 1B-30.005, F.A.C.

4. One original and two copies of the following:

a. The signed rule certification form.

b. The coded text of the rule, including legal citations and history notes.

c. A statement of the specific facts and reasons for finding an immediate danger to the public health, safety or welfare.

d. A statement of the agency's reasons for concluding that the procedure used is fair under the circumstances.

(2) All documents, except the cover letter, required by subsection (1) of this rule shall be formatted as follows:

(a) Typed on white, letter-size (8 1/2" x 11") paper, double spaced.

(b) Margins shall be one inch at the top, bottom and on each side of the page.

(c) The font of the text shall be 10 point Times New Roman.

(3) An agency adopting a rule shall file the original and two copies of the rule certification form as specified in paragraphs (3)(a) through (e) of this rule. More than one rule may be listed on a rule certification form so long as the rules are from the same rule chapter. A separate rule certification form shall be filed for each rule chapter affected.

(a) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(3), F.S.:

CERTIFICATION OF (NAME OF AGENCY)
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective:

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(b) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(6), F.S., entitled "Adoption of Federal Standards":

CERTIFICATION OF (NAME OF AGENCY)
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE
PURSUANT TO SECTION 120.54(6),
FLORIDA STATUTES
(ADOPTION OF FEDERAL STANDARDS)

I hereby certify:

(1) That the time limitations prescribed by Section 120.54(6), F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

(2) That there is no non-frivolous objection, under Section 120.54(6)(c), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed not less than 21 days after the notice required by Section 120.54(6)(a), F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provisions of Section 120.54(6)(b), F.S., the rule(s) take effect upon the date designated below (but not earlier than the date of filing):

Effective:

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(c) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 120.54(1)(i)5., F.S.:

CERTIFICATION OF (NAME OF AGENCY)
ADMINISTRATIVE RULES FILED WITH THE
DEPARTMENT OF STATE
PURSUANT TO SECTION 120.54(1)(i)5.,
FLORIDA STATUTES

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or
 (b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

(4) All rules covered by this certification are filed within the time limitations of Section 120.54(1)(i)5., F.S., and no objection to the rules in the certification was filed with the Department by a substantially affected person with 14 days after the date of publication of the notice of intent pursuant to Section 120.54(1)(i)5., F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provision of Section 120.54(1)(i)5., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(d) The following rule certification form shall be used in filing new, amended or repealed rules under the provisions of Section 403.8055, F.S.:

CERTIFICATION OF DEPARTMENT OF ENVIRONMENTAL PROTECTION ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE PURSUANT TO SECTION 403.8055, FLORIDA STATUTES (ADOPTION OF FEDERAL STANDARDS)

I hereby certify:

(1) That the time limitations prescribed by Section 403.8055, F.S., and all applicable rulemaking requirements of the Department of State have been complied with; and

(2) That there is no non-frivolous objection, under Section 403.8055(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed not less than 21 days after the notice required by Section 403.8055(1), F.S.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provisions of Section 403.8055(2), F.S., the rule(s) take effect upon the date designated below (but not earlier than the date of filing):

Effective: _____
(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(e) The following rule certification form shall be used in emergency rules under the provisions of Section 120.54(4), F.S.:

CERTIFICATION OF (NAME OF AGENCY)
EMERGENCY RULE FILED WITH THE
DEPARTMENT OF STATE

I hereby certify that an immediate danger to the public health, safety or welfare requires emergency action and that the attached rule is necessitated by the immediate danger. I further certify that the procedures used in the promulgation of this emergency rule were fair under the circumstances and that the rule otherwise complies with Section 120.54(4), F.S. The adoption of this rule was authorized by the head of the agency and this rule is hereby adopted upon its filing with the Department of State.

Rule No(s).

(List in Columns)

Under the provision of Section 120.54(4)(d), F.S., this rule takes effect upon filing unless a later time and date less than 20 days from filing, is set out below:

Effective: _____

(month) (day) (year)

Signature, Person Authorized to Certify Rules

Title

Number of Pages Certified

(4) An agency adopting a new rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two coded copies of the new rule with the Administrative Code and Weekly Section. The text of the new rule shall be coded by underlining the rule number, rule title, rule text, legal citations and history notes. Each page shall be numbered.

(5) An agency adopting an amendment to an existing rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two coded copies of the amended rule with the Administrative Code and Weekly Section. Each page shall be numbered.

(a) An amended rule shall be coded as specified in subparagraph 1B-30.003(3)(c)2., F.A.C.

(b) Any subsection, paragraph, subparagraph or sub-subparagraph not being amended shall not be included and shall be noted as "No change", unless inclusion is necessary to make the publication of the amended rule complete and meaningful.

(c) If an amendment to a rule substantially rewords the rule, the rule shall be prepared and coded as described in subparagraph 1B-30.003(3)(c)3., F.A.C.

(6) An agency repealing an existing rule pursuant to Section 120.54(3)(e), F.S., shall file the original and two copies of the existing rule with the Administrative Code and Weekly Section. Rules that repeal existing rules shall contain the words, "The following rules are hereby repealed:" followed by the rule number and title of the rule or rules being repealed and the complete text of each repealed rule with a diagonal line drawn through the entire text of the rule. The text of repealed rules shall be provided by making a copy of the rule text as it appears in the Florida Administrative Code. Each page shall be numbered.

(7) An agency adopting an emergency rule pursuant to Section 120.54(4), F.S., shall file the original and two coded copies of the emergency rule with the Administrative Code and Weekly Section. Each page shall be numbered. The text of the emergency rule shall be coded as follows:

(a) An emergency rule creating a new rule shall be coded as described in subsection (4) of this rule.

(b) An emergency rule amending an existing rule shall be coded as described in subparagraph 1B-30.003(3)(c)2., F.A.C. If the amendment substantially rewords the existing rule, coding shall be as described in subparagraph 1B-30.003(3)(b)3., F.A.C.

(c) An emergency rule that repeals an existing rule shall be coded as described in subsection (6) of this rule.

(8)(a) If the effective date of a rule is later than 20 days after being filed, the effective date shall be stated in the rule text immediately following the final text, as set forth in subsection 1B-30.001(2), F.A.C. The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the rule is later than 20 days after being filed. The effective date of the rule will not be published in the Florida Administrative Code as part of the rule text, but will appear in the history note.

(b) If the effective date of an emergency rule is other than immediately upon filing, the effective date of the emergency rule shall be stated in the rule text immediately following the text, as set forth in subsection 1B-30.001(2), F.A.C. The effective date shall be preceded by the words, "PROPOSED EFFECTIVE DATE:". The effective date shall also be provided on the rule certification form if the effective date of the emergency rule is other than immediately upon filing.

(9) The Administrative Code and Weekly Section shall reject any proposed rule filed for final adoption that does not comply with all statutory rulemaking requirements and/or the requirements of this chapter.

(10) Technical changes, such as non-substantive changes, errors in punctuation, misspellings, corrections of tense, changes of address or telephone number, or similar changes

that do not affect the construction or meaning of the rule, may be accomplished by writing a letter to the Administrative Code and Weekly Section. Such changes do not require notification in the Florida Administrative Weekly.

Rulemaking Specific Authority 120.55(1)(d)(e) FS. Law Implemented 120.54(3)(e)4., (6), 120.55(1)(c), ~~(d)~~, 403.8055 FS. History—New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99, 6-20-02, Formerly 1S-1.002, Amended _____.

(Substantial rewording of Rule 1B-30.003 follows. See Florida Administrative Code for Present text.)

1B-30.003 Publication of Notices in the Florida Administrative Weekly (FAW).

(1)(a) The Florida Administrative Weekly (FAW) is published each Friday of the year except those Fridays that are observed as official state holidays designated by Section 110.117, F.S. When Friday is observed as a holiday, publication shall be on the last working day of the week in which the Friday holiday is observed.

(b) All notices to be published in the FAW must be received by the Administrative Code and Weekly Section, before 12:00 Noon Wednesday, the week prior to publication. When Wednesday, Thursday, or Friday of the week of submission is observed as a holiday, the deadline for receiving notices shall be 12:00 Noon on Monday, the week prior to publication.

(2) All notices to be published in the FAW must be submitted electronically through the Department of State's e-rulemaking website: www.flrules.org/agency/login.asp.

(a) Agencies shall contact the Administrative Code and Weekly Section to designate at least one agency administrator. The agency administrator manages the agency's submissions on the e-rulemaking website. The agency administrator's duties include managing the agency's payment profiles, rule notices, general notices, public comments and the designation of rule and chapter numbers. In addition, the agency administrator may assign additional rulemaking roles to agency personnel. The rulemaking roles that may be assigned to agency personnel are as follows:

1. Rule Notice Editors manage the submission of rule notices, general notices and public comment received in response to rule notices. Rule Notice Editors may also designate rule and chapter numbers.

2. General Editors manage general notices and may review rule notices and public comment received in response to rule notices.

3. Notice Reviewers review rule notices, general notices and public comment received in response to rule notices.

4. Comment Managers manage public comment received in response to rule notices.

5. Comment Reviewers review public comment received in response to rule notices.

(b) A billing profile shall be completed on the e-rulemaking website prior to the submission of notices for publication in the FAW.

(3) The following applies to all rule notices submitted for publication in the FAW:

(a) A single rule notice may contain more than one rule if the rules share the same chapter number.

(b) Rule notices shall not contain any markup revision, redlining or automatic numbering.

(c) All rule notices shall be coded as follows:

1. A new rule shall be coded by underlining all text, including spaces and punctuation. (Example: (1) The petitioner shall contact the agency.)

2. An amended rule shall be coded by underlining new text and by striking through deleted text. New text shall appear before deleted text. The space immediately before and immediately after the new text or deleted text shall not be coded. (Example: The petitioner party shall contact the agency head within 30 days.). New text inserted in an amended rule shall not immediately precede remaining text or stricken text. (Example of incorrect coding: The petitioner party shall contact the agency head.). (Example of correct coding: The petitioner party shall contact the agency.)

a. Newly inserted subsections, paragraphs, subparagraphs or sub-subparagraphs shall be coded in the same manner as the following examples. (Example of incorrect coding: 12) or (a) 1.) (Example of correct coding: (1)(2) or (a)1.)

b. A portion of a word shall not be amended without completely striking through existing text and inserting new text unless the amendment changes the capitalization of the word. (Examples of incorrect coding: petitionerarty or administratorion). (Example of correct coding: petitioner party or administrator administration). A change in capitalization is coded by adding the newly inserted letter immediately before the deleted letter. (Example of correct coding: Ppetitioner).

c. Any subsection, paragraph, subparagraph, or sub-subparagraph not being amended shall not be included and shall be noted as "No change", unless inclusion is necessary to make the publication of the amended rule complete and meaningful.

3. If an amendment to a rule is so extensive that coding would hinder, rather than assist the understanding of the amendment, the notice shall only contain the underlined new text. The rule number and the existing rule title, legal citations and history note lines shall not be underlined. Amendments to the rule title, legal citations, or history notes shall be coded to indicate new or deleted text. The following directory line shall be inserted immediately before the rule number and rule title of the substantially reworded rule: "Substantial rewording of Rule _____ follows. See Florida Administrative Code for present text." The present text of the rule shall not be included in the notice.

4. Rule repeals shall be coded by underlining the word "Repealed" in the history note. The full text of the rule is not required to be published in the FAW. Only a reference to the rule number, rule title, legal citations and history notes must be published, provided that the rule summary portion of the notice fully describes the subject matter of the repealed rule text. Partial rule repeals will be treated in the same manner as an amendment.

(4) The following applies to all notices submitted for publication in the FAW:

- (a) Margins shall be set at 1" at the top, bottom and sides.
- (b) Text shall be left justified.
- (c) The font shall be 10 point Times New Roman.
- (d) Indents shall be set at 0.25".

(5) The following templates containing the required format for notices to be published in the FAW may be accessed from the e-rulemaking website: www.flrules.com/agency/login.asp:

(a) Except when the intended action is the repeal of a rule; negotiated rulemaking undertaken pursuant to Section 120.54(2)(d), F.S.; the adoption of an emergency rule pursuant to Section 120.54(4), F.S.; or the adoption of a rule pursuant to Section 120.54(1)(i)5., 120.54(6) or 403.8055, F.S., agencies shall provide notice of the development of proposed rules by publishing a Notice of Rule Development in the FAW. If the text of the rule is included in the notice, the text shall be coded as described in subsection (3) of this rule. The following notice format shall be used, but only one of the rule development workshop alternatives and one of the preliminary text alternatives shall be selected for publication in the FAW:

NOTICE OF RULE DEVELOPMENT

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE AND EFFECT:

SUBJECT AREA TO BE ADDRESSED:

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

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

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

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:

DATE AND TIME:

PLACE:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(or)

NOT AVAILABLE

(or)

AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

(b) A Notice of Proposed Rule shall be published in the FAW before filing any rule for adoption, except emergency rules adopted pursuant to Section 120.54(4), F.S., or rules adopted pursuant to Section 120.54(1)(i)2., 120.54(6) or 403.8055, F.S. Rule text included in the Notice of Proposed Rule shall be coded as described in subsection (3) of this rule. The following format shall be used for a Notice of Proposed Rule, but only one of the alternatives listed in the hearing portion of the format should be selected for publication in the FAW.

NOTICE OF PROPOSED RULE

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE AND EFFECT:

SUMMARY:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will or will not have an impact on small business. A SERC has or has not been prepared by the agency.

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.

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

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 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):

(or)

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

DATE AND TIME:

PLACE:

(or)

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:

THE FULL TEXT OF THE PROPOSED RULE IS:

(TEXT OF RULE)

NAME OF PERSON ORIGINATING PROPOSED RULE:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

(c) A Notice of Intent to Adopt a Rule shall be published in the FAW before a rule adopted pursuant to Section 120.54(6), F.S., may be filed for adoption. Rule text shall be coded as described in subsection (3) of this rule. The following notice format shall be used:

NOTICE OF INTENT TO ADOPT A RULE

PURSUANT TO SECTION 120.54(6),

FLORIDA STATUTES

(ADOPTION OF FEDERAL STANDARDS)

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE, EFFECT AND SUMMARY:

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: (Name and address of contact person)

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

(d) A Notice of Intent to Adopt a Rule shall be published in the FAW before a rule adopted pursuant to Section 120.54(1)(i)5., F.S., may be filed for adoption. Rule text shall be coded as described in subsection (3) of this rule. The following notice format shall be used:

NOTICE OF INTENT TO ADOPT A RULE

PURSUANT TO SECTION 120.54(1)(i)5.,

FLORIDA STATUTES

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE, EFFECT AND SUMMARY:

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(1)(i)5., F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: (Name and address of contact person).

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY CLERK. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

(e) A Notice of Intent to Adopt a Rule shall be published in the FAW before a rule adopted pursuant to Section 403.8055, F.S., may be filed for adoption. Rule text shall be coded as described in subsection (3) of this rule. The following notice format shall be used:

NOTICE OF INTENT TO ADOPT A RULE

PURSUANT TO SECTION 403.8055, FLORIDA STATUTES

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NAME OF AGENCY

Division or Board

RULE NO.: RULE TITLE:

PURPOSE, EFFECT AND SUMMARY:

RULEMAKING AUTHORITY (formerly "Specific Authority"):

LAW IMPLEMENTED:

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: (Name and address of contact person)

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE ENVIRONMENTAL REGULATION COMMISSION, ADMINISTRATIVE ASSISTANT, DEP. MS 35, 3900 COMMONWEALTH BLVD., TALLAHASSEE, FL 32399-2000. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

(f) A Notice of Change pursuant to the requirements of Section 120.54(3)(d)1., F.S., shall be filed when changes are made to proposed rule text. The text of the rule shall be coded as described in subsection (3) of this rule. The following notice format shall be used:

NAME OF AGENCY

Division or Board

RULE NO.:

RULE TITLE:

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. _____, No. _____, (date), issue of the Florida Administrative Weekly. The reason for this change (select one) (1) public hearing; (2) written material received on or before the date of the public hearing; or (3) proposed objection by JAPC.

(Text of proposed rule changes)

(g) A Notice of Withdrawal shall be used when withdrawing proposed rules. The following notice format shall be used:

NAME OF AGENCY

Division or Board

RULE NO.:

RULE TITLE:

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. _____, No. _____, (date), Florida Administrative Weekly has been withdrawn.

(h) A Notice of Emergency Rule shall be published in the first available issue of the FAW following filing the emergency rule for adoption. Emergency rules shall be coded as specified in subsection (3) of this rule. The following notice format shall be used:

NOTICE OF EMERGENCY RULE

NAME OF AGENCY

Division or Board

RULE NO.:

RULE TITLE:

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:

SUMMARY OF THE RULE:

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:

THE FULL TEXT OF THE EMERGENCY RULE IS:

(TEXT OF RULE)

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE:

(i) The following format shall be used to notice a petition for variance or waiver:

NOTICE OF VARIANCE OR WAIVER

NAME OF AGENCY

NOTICE IS HEREBY GIVEN that on (date), the (name of agency) received a petition for a variance or waiver.

Petitioner's Name:

Rule No.:

Nature of the rule for which variance or waiver is sought:

A copy of the Petition for variance or waiver may be obtained by contacting:

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

(j) The following format shall be used to notice the disposition of a petition for variance or waiver:

NOTICE OF DISPOSITION OF VARIANCE OR WAIVER

NOTICE IS HEREBY GIVEN that on (date), the (name of agency) has issued an order.

Petitioner's Name:

Date Petition Filed:

Rule No.:

Nature of the rule for which variance or waiver is sought:

Date Petition Published in the Florida Administrative Weekly:

General Basis for Agency Decision:

A copy of the Order may be obtained by contacting:

(k) The following format shall be used for preparing notices of public meetings, hearings, or workshops:

NOTICES OF PUBLIC MEETINGS, HEARINGS, OR WORKSHOPS

The (name of agency) announces a (public meeting, hearing or workshop) to which all persons are invited:

DATE AND TIME:

PLACE:

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A copy of the agenda may be obtained by contacting:

(l) The following format shall be used for notices of petitions for declaratory statements:

NOTICES OF PETITIONS FOR DECLARATORY STATEMENTS

NOTICE IS HEREBY GIVEN THAT (name of agency) _____, has received a petition for a declaratory statement from (name of petitioner). The petition seeks the agency's opinion as to the applicability of (statute, rule or order number) as it applies to the petitioner.

(m) The following format shall be used for notices of dispositions of declaratory statements:

NOTICES OF DISPOSITIONS OF DECLARATORY STATEMENTS

NOTICE IS HEREBY GIVEN THAT (name of agency) has issued an order disposing of the petition for declaratory statement filed by (petitioner's name) on (date of petition). The following is a summary of the agency's disposition of the

petition: (Insert a statement that the petition was denied and the reasons for the denial or that the petition was granted and set out a summary of the substance of the response.)

(1)1. The following format shall be used for notice of the invalidation of a proposed or effective rule:

NOTICE OF THE INVALIDATION OF A PROPOSED OR EFFECTIVE RULE

(name of agency) HEREBY GIVES NOTICE that a hearing officer has determined that (rule no.) is invalid. The time for filing an appeal of this decision expired (date). (If desired insert optional summary of the hearing officer's determination.)

2. If the rule declared invalid is a proposed rule, the rule number inserted in the notice shall be prefixed by the word "proposed."

(6) The department shall reject any notice that does not comply with the requirements specified in this rule.

Rulemaking Specific Authority 120.55(1)(d)(e) FS. Law Implemented 120.54(2), 120.542(6), (8), 120.55(1), (3) FS. History--New 5-29-80, Formerly 1-1.021, Amended 7-12-81, 12-30-81, 7-8-82, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 9-2-93, 4-1-96, 10-1-96, 9-13-98, 6-20-02, Formerly 1S-1.003, Amended _____.

1B-30.004 ~~History Notes and~~ Legal Citations and History Notes.

(1) Each ~~proposed~~ rule shall be followed by legal citations and history notes a statement of the specific rulemaking authority authorizing the rule, the law being implemented, and the history note, stated separately.

(2) Legal Citations shall consist of:

(a) The rulemaking authority authorizing the agency to promulgate the rule. (Notice: prior to July 1, 2008, this term was "specific authority." In the history notes for rules promulgated after the effective date of this rule, "Rulemaking Authority" should be used rather than "Specific Authority." History notes for rules promulgated prior to the effective date of this rule, using "Specific Authority" shall remain undisturbed, until and unless such rules are amended.)

(b) Law being Implemented.

(3)(2) History notes shall consist of:

(a) The effective date of each new, amended or repealed rule.

(b) The effective date of each repromulgated rule.

(c) When applicable, a statement that the Joint Administrative Procedures Committee has objected to the rule and the date of the issue of the Florida Administrative Weekly in which the committee published its objection.

(d) Any former rule number(s) that were assigned to the rule.

(4)(3) The ~~rulemaking specific~~ authority, law implemented and history notes shall be corrected or modified by writing a letter to the ~~Bureau of~~ Administrative Code and Weekly Section specifying the changes. Such change does not require notification in the Florida Administrative Weekly.

Rulemaking Specific Authority 120.55(1)(c)(d) FS. Law Implemented 120.54(3), 120.55(1)(c) FS. History--New 5-29-80, Formerly 1-1.03, Amended 10-1-84, 11-14-85, 9-13-98, Formerly 1S-1.004, Amended _____.

1B-30.005 ~~Materials Incorporated~~ Incorporation by Reference.

(1) Any ordinance, standard, specification, guideline, manual, handbook, map, chart, graph, report, form or instructions to forms, or other similar material that meets the definition of rule provided in Section 120.52(15), F.S., and is generally available to affected persons may be incorporated by reference in a rule adopted pursuant to Section 120.54, F.S., and Rule 1B-30.002 ~~1S-1.002~~, F.A.C., subject to the following conditions:

(2) A reference to material incorporated in a rule must include:

(a) Specific identification of the incorporated material, along with an effective date. Forms and their instructions should be identified by title, the form number, and effective date. In addition, incorporated forms and instructions should clearly display the form title, form number, effective date, and rule number in which it is incorporated within.

(b) A statement that the material is incorporated by reference.

(c) A statement describing how an affected person may obtain a copy of the incorporated material. (Notice: agencies or units of government not within the Department of State may not indicate the Department of State or the Administrative Code and Weekly Section as the agency responsible for providing copies of incorporated materials.)

(3) A rule may incorporate material by reference, but only in the form that the material exists on the date that the rule is adopted. Any substantive amendments to material incorporated by reference must be promulgated under the rulemaking provisions of Section 120.54, F.S., in order for the amended portions to be valid. Technical changes, those not changing the substance of the material incorporated by reference, may be made in accordance with subsection 1B-30.002(10), F.A.C.

(4) An agency may incorporate another of its own rules by reference. Unlike other incorporated materials, however, such an incorporation will automatically incorporate subsequent amendments of the incorporated rule(s), unless the agency clearly expresses a contrary intent within the rule that incorporates other rule(s). A notice of an amendment of a rule that is incorporated in another rule must explain the effect of its amendment on the rule that incorporates the rule being amended.

(5)(2) The agency incorporating material by reference shall file with the Administrative Code and Weekly Section Department of State a correct and complete copy of the referenced material with an attached certification form which shall describe page, which shall state a description of the referenced material and specify the rule to which the referenced material relates. Materials incorporated by reference may be filed in any printed format and are not required to be published in the Florida Administrative Weekly or Florida Administrative Code. The following form format shall be used for certification of material incorporated by reference referenced material:

**CERTIFICATION OF MATERIALS INCORPORATED
BY REFERENCE**

IN RULES FILED WITH THE DEPARTMENT OF STATE
Pursuant to Rule ~~1B-30.005~~ ~~1S-1.005~~, Florida Administrative Code, I ~~do~~ hereby certify that the attached are true and correct copies of the following materials incorporated by reference in Rule _____, F.A.C. Under the provisions of Section 120.54(3)(e)6., F.S., the attached materials take effect 20 days from the date filed with the Department of State, or a later date as specified in the rule.

(List form number(s) and form title(s), or title of document(s))

Signature, Person Authorized to Certify Rules

Title

Rulemaking Specific Authority ~~120.54(1)(i)6., 120.55(1)(d)(e)~~ FS. Law Implemented 120.54(1)(i) FS. History--New 5-29-80, Formerly 1-1.04, Amended 9-13-98, Formerly 1S-1.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Liz Cloud, Administrative Code and Weekly Section
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-4.027
RULE TITLE: Standard of Identity – Honey

PURPOSE AND EFFECT: The purpose of this rule development is to establish a standard of identity for honey that is produced, packed, repacked, distributed and sold in Florida or from Florida. Development of this rule is meant to have the effect on controlling the pervasive, illegal practice of blending

or diluting pure honey with low-cost syrups (i.e., sugar, cane, corn, etc.) thereby committing an economic fraud on both the permanent and transient residents of Florida. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida State Beekeepers Association to implement a needed standard of identity for honey. The rule substantially conforms to standards set forth in the CODEX Standard for Honey. This rule will have an effect on those establishments permitted by the Department of Agriculture and Consumer Services who produce local honey or sell honey from Interstate Commerce.

SUMMARY: This rule will address the creation of a standard of identity for honey, comprehensive prohibitions against the deliberate addition of any food ingredient or food additives other than honey, will set maximum moisture content for honey, set parameters for sugar constituents in honey and establish honey labeling guidelines. This rule will also provide a mechanism for the Department to enforce instances of adulteration and misbranding of honey being offered for sale at retail in Florida.

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

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

SPECIFIC AUTHORITY: 500.09, 570.07(23), 586.10 FS.

LAW IMPLEMENTED: 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)245-5539. 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: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)245-5539

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.027 Standard of Identity – Honey.

(1) This standard applies to all honey produced by honey bees from nectar and covers all styles of honey presentation that are processed and ultimately intended for direct consumption and to all honey packed, processed or intended for sale in bulk containers as honey, that may be repacked for retail sale or for sale or use as an ingredient in other foods.

(2) “Honey” means the natural food product resulting from the harvest of nectar by honeybees and the natural activities of the honeybees in processing nectar. It consists essentially of different sugars, predominantly fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The color of honey can vary from nearly colorless to dark brown. The consistency can be fluid, viscous or partially to completely crystallized. The flavor and aroma vary, but are derived from the plant’s origin.

(3) Honey sold as such shall not have added to it any food additives, as defined in Section 500.03(1)(m), F.S., nor shall any other additions be made other than honey. It shall not have begun to ferment or effervesce and no pollen or constituent unique to honey may be removed except where unavoidable in the removal of foreign matter. Chemical or biochemical treatments shall not be used to influence honey crystallization.

(a) Moisture Content – No water may be added to honey in the course of extraction or packing for sale or resale as honey. Honey shall not have a moisture content exceeding 23%.

(b) Sugars Content.

1. The ratio of fructose to glucose shall be greater than 0.9.

2. Fructose and Glucose (Sum of Both) shall not be less than 60g/100g.

(c) Sucrose Content.

1. Honey not listed below shall not be more than 5g/100g.

2. Alfalfa (*Medicago sativa*), Citrus spp., False Acacia (*Robinia pseudoacacia*), French Honeysuckle (*Hedysarum*), Menzies Banksia (*Banksia menziesii*), Red Gum (*Eucalyptus camaldulensis*), Leatherwood (*Eucryphia lucida*), *Eucryphia milligani* – not more than 10g/100g.

3. Lavender (*Lavandula spp*) and Borage (*Borago officinalis*) – not more than 15g/100g.

(4) Name of the Food.

(a) Products conforming to the standard of identity as adopted in this rule shall be designated ‘honey’. Foods containing honey and any flavoring, spice or other added ingredient or if honey is processed in such a way that a modification to honey occurs that materially changes the flavor, color, viscosity or other material characteristics of pure honey, then such foods shall be distinguished in the food name from honey by declaration of the food additive or modification.

(b) Honey may be designated according to floral or plant source if it comes predominately from that particular source and has the organoleptic, physicochemical and microscopic properties corresponding with that origin.

(c) Where honey has been designated according to floral or plant source [as stated in paragraph (4)(b)], then the common name or the botanical name of the floral source shall be used in conjunction with or joined with the word “honey”.

(d) The styles in subparagraphs (4)(e)2. & 3. shall be declared.

(e) Honey may be designated according to the following styles:

1. “Honey” which is honey in liquid or crystalline state or a mixture of the two;

2. “Comb Honey” which is honey stored by bees in the cells of freshly built broodless combs and which is sold in sealed whole combs or sections of such combs;

3. “Cut Comb in Honey”, “Honey with Comb” or “Chunk Honey” which is honey containing one or more pieces of comb honey.

Specific Authority 500.09, 570.07(23), 586.10 FS. Law Implemented 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion F. Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**Division of Food Safety**

RULE NO.:

RULE TITLE:

5K-4.028

Adulteration and Misbranding –
Honey

PURPOSE AND EFFECT: The purpose of this rule development is to allow enforcement of a standard of identity for honey that is produced, packed, repacked, distributed and sold in Florida or from Florida. Development of this rule is meant to have the effect on controlling the pervasive, illegal practice of blending or diluting pure honey with low-cost syrups (i.e., sugar, cane, corn, etc.) thereby committing an economic fraud on both the permanent and transient residents of Florida. Preliminary guidelines have been drafted through a cooperative effort between the Department of Agriculture and Consumer Services and the Florida State Beekeepers Association to implement a needed standard of identity for honey. The rule substantially conforms to standards set forth in the CODEX Standard for Honey. This rule will have an effect

on those establishments permitted by the Department of Agriculture and Consumer Services who produce local honey or sell honey from Interstate Commerce.

SUMMARY: This rule will provide a mechanism for the Department to enforce instances of adulteration and misbranding of honey being offered for sale at retail in Florida.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 500.09, 570.07(23), 586.10 FS.

LAW IMPLEMENTED: 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)245-5539. 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: Paul M. Raynes, Senior Management Analyst II, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)245-5539

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.028 Adulteration and Misbranding – Honey.

The following shall be prima facie evidence of adulteration under Sections 500.10(2)(d) and 586.10, F.S., or misbranding under Sections 500.11(1)(g) and 586.10, F.S., of any product sold or offered for sale as honey:

- (1) The product has a maltose content in excess of 10%; or
- (2) The product contains oligosaccharides indicative of invert syrup; or
- (3) The absolute value of Carbon Stable Isotope Ratio Analysis (CSIRA) is not more negative than -20.0 for the product; or
- (4) CSIRA Internal Standard Procedure with a protein value minus honey value is more negative than -1.0 for the product; or
- (5) The product fails to conform to the standard of identity stated in Rule 5K-4.027, F.A.C.

Specific Authority 500.09, 570.07(23), 586.10 FS. Law Implemented 500.02, 500.03, 500.04, 500.09, 500.10, 500.11, 570.07, 570.50 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion F. Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.406
RULE TITLE: Third Party Mailing Services

PURPOSE AND EFFECT: The purpose and effect is to repeal Rule 33-602.406, F.A.C.

SUMMARY: Rule 33-602.406, F.A.C., will be repealed, as Rule 33-210.101, F.A.C., is being amended to address these issues.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.406 Third Party Mailing Services.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 3-2-99, Formerly 33-3.030, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Walter A McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 2, 2008

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-9.011	Policy and Purpose
40B-9.021	Definitions
40B-9.031	Selection of Lands – Five Year Plan
40B-9.041	Acquisition Procedures – Negotiations
40B-9.042	Inholding and Addition Property
40B-9.045	Acquisition Procedures – Condemnation
40B-9.051	Surveys
40B-9.061	Appraisals
40B-9.065	Disclosure of Beneficial Interest
40B-9.071	Use of Trust Fund
40B-9.081	Disposition of Surplus Land
40B-9.111	Funding of the District Lands Management Program
40B-9.121	Conceptual Management Plans for District Lands
40B-9.122	Resource Management Plans for District Lands
40B-9.123	Additional Definitions
40B-9.125	Scope and Applicability
40B-9.126	Access to District Lands
40B-9.131	Public Use of District Lands
40B-9.132	Public Vehicle Use
40B-9.133	Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-running Hunting Dogs
40B-9.134	Trespass after Notice
40B-9.138	Other Prohibited Activities
40B-9.1381	Prohibited Activities
40B-9.141	Special Use Licenses
40B-9.1411	Special Use Authorizations
40B-9.142	Easements
40B-9.145	Leases
40B-9.151	Closure of District Lands
40B-9.161	Violations
40B-9.320	Conflicting Rules

PURPOSE AND EFFECT: The proposed amendments to Chapter 40B-9 of the Florida Administrative Code (“F.A.C.”) are intended to provide information to landowners and professionals concerning the procedures followed by the Suwannee River Water Management District (“District”) to

evaluate and acquire ownership interests in real property pursuant to Chapter 373, Florida Statutes (“F.S.”), for water resource conservation and related purposes. In addition, the proposed amendments include changes to Chapter 40B-9, F.A.C., designed to inform the public of the regulations authorized by Chapter 373, F.S., and applicable to the public’s use of District-owned lands such as specific uses prohibited and those allowed, and uses that require a special use authorization from the District.

SUMMARY: The proposed amendments to Chapter 40B-9, F.A.C., divide the chapter into two parts – Part I addresses land acquisition and Part II addresses land management. The proposed amendments are a comprehensive revision of Chapter 40B-9, F.A.C., which has not been substantially revised since 1993. Much of the existing language is proposed to be revised or repealed, while the concepts are incorporated into either existing or new sections.

The changes proposed in Part I revise Rule 40B-9.011, F.A.C., to clarify the District’s authority and responsibility to acquire and manage real property interests consistent with Chapter 373, F.S. Many definitions of key terms used in the chapter are added to Rule 40B-9.021, F.A.C., and several existing definitions are revised. The proposed amendments substantially revise Rule 40B-9.041, F.A.C., to codify land acquisition informational requirements, purchase criteria, and procedures that landowners and the District follow during the acquisition process. The acquisition of “in-holding and addition property” by the District, which tends to involve smaller acreages of land, is separately addressed in a new section. Other proposed changes to Part I revise existing language that addresses the District’s eminent domain authority and the process, the required disclosure of beneficial interests under Section 286.23, F.S., and the disposition of surplus District land.

The changes proposed in Part II include new additional definitions of key terms used, a new section describing the scope and applicability of this part, and a new section titled “Access to District Lands.” However, the heart of Part II is the revised section that sets forth the specific activities allowed on District lands and the specific restrictions on those allowed uses, and two new sections that set forth the specific activities prohibited on District lands and those that may be authorized by a District-issued special use authorization. Part II also includes two other new sections – one proposed to govern requests for rights-of-way and the other addresses conflicting rules. Finally, the proposed changes revise existing language concerning long and short term closures of District lands and penalties for violating the use regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Statement of Estimated Regulatory Costs.

Proposed Amendments to Chapter 40B-9, Florida Administrative Code.

Sections 120.54(3)(b) and 120.541, Florida Statutes.

Purpose of Amendments

The purpose of this proposed rule is to set forth the procedures and regulations regarding land acquisition and land management by the Suwannee River Water Management District (District). Part I of this chapter governs the acquisition of interests in land by the District. Part II of this chapter establishes how District lands may be accessed by the public, the allowed recreational uses on District lands, the manner in which these uses may be exercised, and uses that are prohibited on District lands.

History

Chapter 40B-9, F.A.C., was originally adopted in March 1983. Various sections of the rule were incrementally amended in 1988, 1993 and 1996.

Since 1996, there have been significant substantive changes in Florida law, as well as District policy and procedure, warranting a comprehensive revision of the rule. In addition, certain internal District procedures for land acquisition, which have no impact on the public, are proposed for repeal.

Number and Type of Individuals and Entities Likely Affected

With regard to land acquisition activities in FY 2007/08, the District:

- Received 26 offers of property,
- Entered into ten contracts for the purchase of real property interests, and
- Closed on the purchase of 15 real property interests.

With regard to the management of District lands in FY 2007/08, the District:

- Estimates that it had over 100,000 recreational visitors,
- Issued 194 Special Use Authorizations,
- Granted four easements for ingress and egress,
- Granted four leases, principally to other agencies or local governments, and
- Granted one license for a commercial cattle operation.

The District expects the level of activity to be comparable in the future, while certainly some variation from year to year will occur.

The types of individuals and entities that are likely to be affected by the proposed rule are primarily rural and agricultural land owners, and recreational users of District-owned property.

Estimated Cost to the Agency

The District's costs of implementing and enforcing the rule are not expected to change significantly as a result of the proposed amendments. Minimal cost savings may be realized through the clarification of the land acquisition process and regulations governing the public use of District property.

Estimated Transactional Costs to Individuals and Entities

In general, the transactional costs likely to be incurred by individuals and entities required to comply with the new rule should be negligible. More specifically:

Under paragraphs 40B-9.041(1)(b) and (c), F.A.C., landowners who wish to offer land to the District may have expenditures for researching, copying, and delivering documents.

Under subsection 40B-9.041(3), F.A.C., the costs to a landowner may include travel to meet with District staff, appraisal costs, and legal fees. The estimated cost per offer is \$5,000, or a total of \$130,000 per year based on 26 offers per year.

Under subsection 40B-9.126(2), F.A.C., by requiring visitors to enter only at designated entrances, users may incur an additional cost by not being able to enter the property at the closest point. Assuming an additional travel distance of 2 miles and a mileage rate of \$0.44 per mile, the cost per visit is \$0.88, or \$8,800 for an estimated 10,000 visits.

Under paragraph 40B-9.131(3)(f), F.A.C., equestrians using District land will have the cost of veterinary exams and tests required in order to provide written proof of a negative Coggins test. The annual cost to obtain proof of negative Coggins test is estimated at \$50, or \$250,000 for an estimated 5,000 equine per year.

Under paragraph 40B-9.1381(1)(h), F.A.C., persons wishing to scuba dive on District lands will bear the cost of collecting information and preparing a plan to be submitted the District. Additional cost may be incurred in the preparation of a report on the results of such dives.

Under paragraph 40B-9.1381(1)(r), F.A.C., any person who illegally erects a structure on District land may be liable for costs associated with its removal, and for the restoration of any damage to District property.

Under Rule 40B-9.1411, F.A.C., persons who wish to undertake activities not generally allowed under the rule may incur costs in compiling information needed to apply for a Special Use Authorization ("SUA"). There may be costs associated with conditions placed on the SUA by the District, such as the provision of portable restroom facilities or the provision of an insurance certificate naming the District as an additional insured. If the application is denied by District staff, there may be additional time and travel costs associated with an appeal of the decision to the District Governing Board. The estimated cost per SUA is \$150, or \$29,100 for an estimated 194 SUAs.

Under Rule 40B-9.142, F.A.C., persons requesting an easement across District land must pay costs associated with title examinations to determine a way of necessity, the collection and submission of information to the District, appraisals, surveys, and legal fees. The applicant must also pay the fair market value of the easement to the District. The cost per transaction is estimated at \$1,800, or \$7,200 for an estimated four transactions per year.

Analysis of Impact on Small Business

Under paragraph 40B-9.131(3)(d), F.A.C., those who wish to conduct a commercial activity on District land may incur costs in compiling information for submission to the District.

Additional Useful Information

The majority of the proposed changes to Chapter 40B-9, F.A.C., will not impact individuals and entities, including other governmental agencies, any greater than the existing rule because the substantive changes do not significantly alter the manner in which the District currently conducts its land acquisition and management program under the existing rule and Governing Board policies. The proposed amendments are expected, however, to codify District requirements applicable to the purchase and use of District lands, which should result in a better informed public and consequent costs savings.

Description of Good Faith Written Proposals

No such proposals have been submitted to the District.

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: 373.026, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391, 373.171, 373.59, 373.613 FS.

LAW IMPLEMENTED: 259.01, 259.105, 373.013, 373.089, 373.103, 373.139, 373.1391, 373.1961, 373.59, 373.613 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: January 13, 2009, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, 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 2 days before the workshop/meeting by contacting: Gwen Lord, Administrative Assistant at (386)362-1001 or gal@srwmd.org. 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: Gwen Lord, Administrative Assistant. Any such written request must be sent by U.S. mail to SRWMD, 9225 CR 49, Live Oak, FL 32060

THE FULL TEXT OF THE PROPOSED RULES IS:

WATER MANAGEMENT LANDS ACQUISITION AND MANAGEMENT PROCEDURES

Part I

40B-9.011 Policy and Purpose.

(1) Under subsection 373.139(2), Florida Statutes, the Governing Board is authorized to acquire fee or less than fee title to real property, easements and other interests or rights therein, by purchase, gift, devise, lease, eminent domain, or otherwise for flood control, water storage, water management, conservation and protection of water resources, aquifer

recharge, water resource and water supply development, and preservation of wetlands, streams, and lakes. Part I of this chapter governs the acquisition of these interests in lands by the Suwannee River Water Management District.

(2) Under paragraph 373.1391(1)(a), Florida Statutes, the Governing Board is charged with the responsibility to manage and maintain lands titled to the Suwannee River Water Management to ensure a balance between public access, general public recreational purposes, and restoration and protection of the lands natural state and condition. Part II of this chapter further governs the use of lands titled to the Suwannee River Water Management District. The purpose of this rule is to implement the legislative intent expressed in Section 373.59, Florida Statutes, and therefore, to establish District policies and procedures regarding a five year plan for the selection of land, and provide procedures for the acquisition and management of land, title to which shall vest in the Suwannee River Water Management District. It is also the intent of these rules to provide uniform acquisition procedures in order to effectuate efficient legal methods in accordance with sound business practices.

(3) Lands titled to the District may be conveyed, sold, exchanged, leased, or released by the Governing Board as provided in Sections 373.056, 373.089, 373.093 and 373.096, Florida Statutes.

(4) Consistent with the Legislature's directives, the District's policy is to manage and maintain District lands, to the extent practicable, to ensure a balance between restoration and protection of natural resources and public access and recreation.

(5) To further this policy, the land management and use provisions of Part II of this chapter are based upon the following priorities:

(a) Water resource conservation and protection;

(b) Environmental protection, with an emphasis on restoration and preservation of ecosystems; and

(c) Compatible public recreation.

(6) It is further the policy of the District to make its lands accessible to persons with disabilities to the extent economically feasible and consistent with resource protection.

(7) This chapter is divided into two parts, Part I and Part II. Part I includes Rules 40B-9.011 through 40B-9.121, F.A.C., and pertains to land acquisition. Part II includes Rules 40B-9.123 through 40B-9.320, F.A.C., and pertains to land management.

Specific Authority ~~373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.171 FS.~~ Law Implemented 373.103, 373.139, 373.1391, 373.59 FS. History—New 3-1-83, Amended _____.

40B-9.021 Definitions.

When used in this part, the term herein:

(1) “Acquisition plan” means the work plan adopted by the Governing Board that describes the District’s land acquisition strategies.

(2) “Conservation easement” means a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition. A conservation easement restricts the underlying fee owner’s use of the property consistent with the purpose of the easement. Conservation easements are perpetual, undivided interests in property that run with the land. District conservation easements are governed by Section 704.03, Florida Statutes.

(3)(4) “Department” means the Florida Department of Environmental Protection or its successor agency or agencies.

(2) “Secretary” means the Secretary of the Florida Department of Environmental Protection.

(4)(3) “District” means the Suwannee River Water Management District, operating under the authority of Chapter 373, Florida Statutes.

(4) “Fund” means the Water Management Lands Trust Fund.

(5) “District lands” means any fee simple interest or other interests in real property titled to the District. “Plan” means the five-year plan as adopted by the Governing Board of the Suwannee River Water Management District.

(6) “District lease” means the granting of either an exclusive or non-exclusive use of or interest in District Lands for a specified period of time. “Project” means a parcel or parcels of land in a discrete unit of purchase.

(7) “Funding program” means the program established pursuant to Section 259.105, Florida Statutes, the Florida Forever Act. “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

(8) “Governing Board” means the governing board of the Suwannee River Water Management District. “Acquisition” means the reduction of the title to land to be acquired to fee, or in the discretion of the District such other legal interest necessary for water management, water supply and the conservation and protection of water resources.

(9) “Management plan” means the District Land Management Plan adopted by the Governing Board that details the District’s land management activities or other property specific land management plan adopted by the Governing Board. “Lands” means real property acquired by the District pursuant to Chapter 373.59, Florida Statutes.

(10) “Project” means a parcel or parcels of land in a discrete unit of purchase. “Conceptual Management Plan” means the document discussing proposed management and use that is prepared prior to acquisition.

(11) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses. “Resource Management Plan” is the document approved by the Governing Board that specifies management activities and authorized uses of the lands.

(12) “Secretary” means the Secretary of the Florida Department of Environmental Protection or its successor agency or agencies. “Public Use Guide” is the summary document that lists specific public uses for the lands authorized by the Governing Board that can be permitted by the District.

(13) “Surplus lands” means those District-owned parcels that do not and are not expected to contribute significantly to the achievement of the District’s acquisition objectives including the protection or enhancement of water resource benefits and effective and efficient land management.

Specific Authority 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.171, 373.59 FS. Law Implemented 259.01, 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 4-1-93, _____.

40B-9.031 Selection of Lands – Five-Year Plan.

(1) The District shall adopt a five year plan designating the areas of land to be acquired which shall be filed annually with the Legislature and the Secretary by January 15. Acquisition and management activity for the preceding fiscal year shall be included in five year plan.

(2) Prior to the adoption, amendment, or modification of the five year plan, the District shall hold one or more public hearings.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 5-26-88, Repealed _____.

40B-9.041 Acquisition Procedures – Negotiations.

(1) Bona fide offers for sale. Upon determination of land requirements, descriptions and maps sufficient to identify the lands to be acquired shall be obtained.

The District’s land acquisition process is initiated when the District receives from an owner of real property a bona fide offer for sale to the District. A bona fide offer is one which includes:

(a) The county property appraiser’s tax parcel identification number;

(b) An aerial map or other documentation upon which the property boundaries are shown or described;

(c) A copy of the deed showing the current owner of record for the property being offered;

(d) The owner’s initial asking price for the property;

(e) Identification of any easements, deed restrictions, mineral interests, or other rights held by persons other than the fee title owner; and

(f) Identification of any existing purchase agreement, option contract, listing agreement, or any other agency arrangement or agreement entered into by the seller relating to the subject property.

(2) Criteria for evaluation of bona fide offers. Ownership information shall be obtained and reviewed in order to determine the title to the land being acquired.

Upon receipt, District staff will evaluate all bona fide offers for sale of real property under the criteria contained within the District's land acquisition plan and provide a recommendation for disposition to the Governing Board.

(3) Following Governing Board approval of a property for state priority funding, the following due diligence must be completed prior to a contract for sale: The District shall obtain at least one written appraisal pursuant to Rule 40B-9.061, F.A.C.

(a) Evidence of good and sufficient fee title to the property in the seller must be provided by the seller to the District.

(b) The property owner must provide access to the District and its agents as needed to obtain an appraisal as required under paragraph 373.139(3)(c), Florida Statutes, and a Phase I environmental site assessment that addresses the federal Environmental Protection Agency standards in CFR Part 312, the state Department of Environmental Protection standards, and any other applicable environmental regulatory agency standards. The appraisal must be performed by a qualified appraiser who is registered, licensed, or certified under Part II, Chapter 475, Florida Statutes. The Phase I environmental site assessment must be performed by a qualified professional engineer, professional geologist or other environmental professional as the District deems appropriate.

(4) Contracts for sale. The District shall attempt to acquire each parcel through voluntary negotiation prior to commencement of proceedings in eminent domain.

The Governing Board must adopt a purchase resolution which authorizes the Executive Director to execute a contract specifying the source of funds for the land to be acquired.

(5) All contracts to purchase shall be reduced to writing and shall be contingent upon approval by the Governing Board.

(6) The District shall attempt to negotiate the acquisition of desired parcels in accordance with the following procedure:

(a) The District shall contact each owner or authorized representative and negotiate the acquisition of the property.

(b) A "Negotiation Report" may be prepared and forwarded to Legal Counsel, which shall summarize such negotiations.

(c) In the event an offer is accepted, the District shall:

1. Arrange for the proper execution and recording of all necessary documents.

2. Request Legal Counsel to prepare a resolution requesting the Governing Board to approve the necessary funds pursuant to Chapter 62-402, Florida Administrative Code, if applicable.

(d) When a negotiated settlement cannot be readily attained, an authorized officer shall send a Memorandum to Legal Counsel which shall include:

1. A request for resolution to institute eminent domain proceedings.

2. Identification of parcels by title memorandum number.

3. Legal interest or estate sought for acquisition.

(5)(e) Donations of land to District.

The District may accept donations or gifts of real property interests land. In such event the provisions of this subsection shall be followed, except that the requirement for an appraisals may be waived upon concurrence of both the property landowner and the District.

(7) The District shall adhere to the provisions of Chapter 287.055, Florida Statutes, if applicable.

Specific Authority 373.044, 373.083, 373.139 373.113, 373.174 FS. Law Implemented 373.013, 373.139, 373.59 FS. History—New 3-1-83, Amended 5-26-88, _____.

40B-9.042 Inholding and Addition Property.

(1) The procedures in this section apply to offers of real property containing 40 acres or less.

(2) The District will consider purchasing parcels less than 40 acres in size if they are contiguous with existing District ownership and either:

(a) Provide additional protection for natural resources, or

(b) Improve the District's ability to manage its lands.

(3) In addition to qualifying under subsection 40B-9.042(2), F.A.C., above, the following conditions must be met:

(a) The fee owner of the property must control at least 50% of the mineral interests unless the outstanding royalty rights or interests are held by the State of Florida or the federal government;

(b) The property may not be subject to any current or future assessments by a homeowners association or other similar entity.

(c) The total asking price must be less than \$100,000.

(4) Upon determining that the offer meets the criteria and conditions in subsections 40B-9.042(2) and (3), F.A.C., above, Staff shall:

(a) Obtain a form or letter appraisal from the District's Land Acquisition Specialist or from an appraiser on the District's approved list; and

(b) Submit an offer at an amount not-to-exceed the appraised fair market value with an option approved by District legal counsel to the landowner.

(5) If the offer is accepted by the landowner, the District will conduct a public hearing at which the proposed purchase will be presented for Governing Board approval.

Specific Authority 373.044, 373.083, 373.139 FS. Law Implemented 373.013, 373.089, 373.139, 373.59 FS. History–New _____.

40B-9.045 Acquisition Procedures – Condemnation.

(1) Eminent domain proceedings may only be used by the District to acquire real property for flood control and water storage or for curing title defects or encumbrances to real property owned by the District or to be acquired by the District from a willing seller. Proceedings in eminent domain shall not be commenced until authorized by the Governing Board.

(2) Eminent domain proceedings brought by the District shall be conducted in accordance with the applicable provisions of Chapters 73 and 74, Florida Statutes, and Section 373.1961, Florida Statutes. The Governing Board may adopt a resolution authorizing the institution of eminent domain proceedings and which shall meet the requirements of Chapter 73, Florida Statutes, and Chapter 74, Florida Statutes, if applicable.

Specific Authority 373.026, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.139, 373.103, 373.113, 373.171 FS. Law Implemented 373.013, 373.1961, 373.139, 373.59 FS. History–New 3-1-83, Amended _____.

40B-9.051 Surveys.

(1) In order to determine the location, acreage and legal description of land to be acquired, the District shall obtain a survey.

(2) Survey requirements may be waived in whole or in part by the District. In the event the survey requirements are waived in whole or in part, the District shall then use the best available data in order to arrive at the boundaries and acreage of the land to be acquired.

(3) All surveys shall meet the minimum technical standard for land surveying in the State of Florida as adopted by the Florida State Board of Land Surveyors.

Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History–New 3-1-83, Repealed _____.

40B-9.061 Appraisals.

(1) All lands to be acquired shall be appraised by at least one real estate appraiser, except as provided in paragraph 40B-9.041(6)(e), F.A.C., of this chapter.

(2) Appraiser shall have no vested or fiduciary interest in the property to be appraised, except for the professional fee.

(3) After a written contract between the District and the appraiser has been executed, the District shall transmit all pertinent data to the appraiser regarding the assignment.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended 5-26-88, Repealed _____.

40B-9.065 Disclosure of Beneficial Interest.

In all cases where fee title is not held in a representative capacity the name of the beneficial owner, the requirements of Section 286.23, Florida Statutes, must will be met.

Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.139, 373.103, 373.113, 373.171 FS. Law Implemented 286.23, 373.103, 373.139, 373.59 FS. History–New 3-1-83, Amended _____.

40B-9.071 Use of Trust Fund.

(1) For lands acquired by negotiation and purchase, the Governing Board shall request the Department to release the District's share of monies from the Fund by adopting a resolution which shall comply with Chapter 62-402, Florida Administrative Code.

(2) For lands acquired by eminent domain, subsequent to the adoption of a resolution authorizing eminent domain proceedings, the Governing Board shall adopt a resolution pursuant to subsection (1) above, which in addition shall authorize the Executive Director or other staff officer to request monies from the Fund as follows:

(a) A request from the District for the District's share of funds sufficient to pay the owner the amount specified in the final judgment or the stipulation and order.

(b) A request from the District for the District's share of funds sufficient to pay the amount specified in the court's order or the stipulation and order for any costs and fees of the owner, whether incurred in the trial court or an appeal.

(c) A request from the District for reimbursement of all the District's share of costs and fees incurred by the District associated with such acquisition.

(3) The District shall request the Department to release funds specified in subsection (2) above of this section within a sufficient time to allow the District to comply with Section 73.111, Florida Statutes, or Section 74.071, Florida Statutes, and other laws as applicable.

Specific Authority 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.139, 373.59 FS. History–New 3-1-83, Repealed _____.

40B-9.081 Disposition of Surplus Land.

(1) The District may sell or exchange District lands including those which have been acquired with funds from the Water Management District Trust Fund or in exchange for property which has been so acquired. District lands are considered surplus in accordance with Section 373.089, Florida Statutes, when:

(a) They are not required for District or project purposes pursuant to Section 373.59, Florida Statutes;

~~(b) They have no probable future utility in the land management program of the District; and~~

~~(c) They have been declared surplus by the Governing Board.~~

~~(2) All funds received from the sale of surplus lands acquired with Water Management District Trust funds shall be used to purchase other lands meeting the criteria in Section 373.59, Florida Statutes.~~

~~(3) The District may convey land not required for its purposes to any governmental agency under such terms and conditions as the Governing Board may determine in accordance with Section 373.056, Florida Statutes.~~

~~(4) The District may retain or convey mineral rights on surplus lands in accordance with Section 270.11, Florida Statutes.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 270.11, 373.103, 373.139, 373.59 FS. History—New 3-1-83, Amended 5-26-88, _____.

40B-9.111 Funding of the District Lands Management Program.

~~(1) Under Section 373.59(8), Florida Statutes, the District may use a specified portion of the Fund for management, maintenance and capital improvements for lands acquired pursuant to Chapter 373.59, Florida Statutes.~~

~~(2) Pursuant to Chapter 62 402, Florida Administrative Code, all revenues derived from the use and management of the lands are returned to the Fund or placed in an account to be used as specified in subsection (1).~~

~~(3) The Governing Board shall submit a formal resolution to the Department for funds needed either for reimbursement of expenditures of the District or to meet expected cash needs of the District for the management, maintenance or capital improvements to the lands that will comply with Section 373.59(3), Florida Statutes.~~

~~(4) The District shall allocate a portion of its land management budget for payments in lieu of taxes to qualified counties pursuant to Section 373.59(13), Florida Statutes.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.1401, 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.121 Conceptual Management Plans for District Lands.

~~(1) A Conceptual Management Plan (CMP) shall be prepared by the District for all lands prior to acquisition. Floodplain information; sensitive water resource or natural resource areas such as springs, wetlands and significant wildlife habitat; evidence of past abuse of the resource such as trash dumping, illegal hunting, cultural artifact collecting, wildfires; economic resources; continuing interests of the seller; historic public use; availability of similar public use resources; or other resources that are specific to a parcel shall be considered in developing the CMP.~~

~~(2) The CMP will be available for public review and comment at the public hearing for the proposed acquisition. Each public hearing will be noticed and advertised as required by Chapters 373 and 120, Florida Statutes.~~

~~(3) Upon approval of the CMP by the Governing Board and successful acquisition of the parcel, the CMP shall guide management and public use of the land until the CMP is incorporated into a Resource Management Plan (RMP). CMPs shall be available for review by the public during normal working hours at the District headquarters.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

Part II

LAND MANAGEMENT AND USE

40B-9.122 Resource Management Plans for District Lands.

~~(1) The District shall develop or have developed Resource Management Plans (RMP) to guide the maintenance, improvement, restoration and use of the acquired lands by the District, other agencies and the general public.~~

~~(2) The RMP will describe the parcel, including its location, external and internal access, resources embodied in or found on the parcel, and management and public use goals for the parcel. The RMP will be developed utilizing the following information resources as appropriate: surface and groundwater resource data; aerial photography; field inspections; soil data; data available from sources regarding wildlife and habitat endangerment such as the Florida Natural Areas Inventory; and other data resources that are available to the District.~~

~~(3) The RMP will be considered for approval by the Governing Board during a public meeting, noticed pursuant to the requirements of Chapter 120, Florida Statutes. Upon approval of the RMP by the Governing Board, the RMP shall guide management and public use of the land. RMPs are available for review by the public at the District headquarters.~~

Specific Authority 373.016, 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.123 Additional Definitions.

When used in Part II of this chapter:

(1) "Access" means a point where the public can enter District lands by foot, horseback or non-motorized vehicles.

(2) "Aircraft" means any vehicle supported for flight in the air by buoyancy or by the dynamic action of air on its surfaces, including powered airplanes, gliders, and helicopters.

(3) "Boating" includes the use of any type of motorized or non-motorized vessel on water.

(4) "Commercial activity" means the sale or leasing, or offering for sale or lease, for profit any merchandise or service associated with the use of District lands including, but not limited to, providing guide services, vehicles or animals on District lands.

(5) “Camping” means to use a vehicle, tent, or other shelter, and/or to arrange bedding with the intent to stay overnight.

(6) “Concession” means the privilege to establish a commercial activity on District land.

(7) “District lands” means real property to which the Governing Board holds fee simple title.

(8) “Entrance” means a designated location or boundary where public motorized vehicle access to District lands is authorized.

(9) “Facility” or “Structure” means any object placed on District lands intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(10) “Firearms and similar devices” means shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, bows, crossbows, spear guns, or any other device capable of mechanically propelling an arrow, spear, or other projectile.

(11) “Historic property” or “historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, or folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to history, government, and culture of the state.

(12) “Mobility-impaired person” means a person who is permanently physically disabled by being either paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation or permanently required to use assisting aids to walk, or having had a complete single-leg amputation above the knee.

(13) “Motorized vehicle” means any vehicle which travels over land on wheels and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

(14) “Paintball equipment” means paint balls, paintball guns, refillable gas tanks, paintball gun propellant canisters, paintball targets, and any other device associated with paintball activities.

(15) “Public road” means any road, path, land, or trail designated by name, number or map for public motorized vehicle access.

(16) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses.

(17) “Recreational site” means an improved or unimproved site established to facilitate recreational use by the public.

(18) “Resource-based recreational purpose” means any outdoor activity that depends on natural resources and includes, but is not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, boating, diving, wildlife viewing and other passive recreation.

(19) “Seasonal road” means a road open to public motor vehicle use for hunting or other particular uses during a specific time period, or which may be closed due to periodic site conditions.

(20) “Special Use Authorization” means the granting of a privilege to use District lands for a specified purpose and does not confer any property or possessory interest to the holder.

(21) “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.125 Scope and Applicability.

(1) District lands shall be managed and maintained, to the extent practicable, in a manner that ensures a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. Part II of this chapter establishes how District lands may be accessed by the public, the allowed recreational uses on District lands, the manner in which these uses may be exercised, and uses that are prohibited on District lands.

(2) District lands are open to the public for lawful resource-based recreational purposes except as otherwise conditioned, restricted or prohibited by this chapter or unless such use is inconsistent with the purposes for which the lands were acquired, as provided in the District land management plan.

(3) Nothing in this chapter shall prevent any other federal, state, or local agency, including but not limited to, the entity contractually responsible for managing District lands, from requiring compliance with its rules, regulations, and/or laws to the extent of such entity’s legal authority.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.126 Access to District Lands.

(1) District lands shall be open to the public during daytime hours only (one and one-half hour before sunrise to one and one-half hour after sunset) unless otherwise posted or authorized.

(2) Public motor vehicle access to District lands is only allowed at designated entrances.

(3) District lands may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

Specific Authority 373.016, 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.131 Public Use of District Lands.

~~(1) The lands shall be evaluated and the compatible public uses will be documented in the management plans. This evaluation will be based on the sensitivity of the land to degradation, the need for specific public uses, the cost to the District to provide the public use, the ability of the District to reasonably assure public safety and other factors that may be applicable to the specific parcel.~~

~~(1)(2) The District shall publish and make available to the public an informational "Public Use Guide," which summarizes allowed activities and use restrictions for each District property upon request "Save Our Rivers Lands Public Use Guide". The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, Florida Statutes. Copies of the District's Public Use Guide are available at from the District's headquarters and on its website: www.srwmf.state.fl.us. Additionally, persons the public may apply for authorization of other public uses of District lands, as specified in Rule Chapter 40B-9.141, Florida Administrative Code, "Special Use Authorizations." License of other public uses of the lands. These applications will be reviewed by District staff using the criteria listed in subsection 40B-9.131(1), Florida Administrative Code.~~

~~(2)(3) Activities that are not authorized in this section, in the Public Use Guide, posted on the property, or specifically authorized under a Special Use Authorization or otherwise in writing by the District are expressly prohibited and subject to prosecution. The public is advised. Compliance with the District's these rules does not preclude the need to also comply with State law and/or other applicable state and federal rules, prevent the District's cooperating agencies, such as the Florida Game and Fresh Water Fish Commission, U.S. Department of Interior, Fish and Wildlife Service, Florida Department of Agriculture and Consumer Services and Florida Department of Natural Resources, from requiring compliance with other rules or laws to the fullest extent of their lawful authority.~~

~~(3) The following activities are allowed subject to any conditions and/or restrictions specified herein:~~

~~(a) Bicycling is allowed on all District lands open to the public unless restricted by signage.~~

~~(b) Boating for recreation is allowed on all District-owned waterways provided:~~

~~1. Boats launched from trailers must use boat ramps.~~

~~2. Boats must not be operated in a manner which could harm persons, plants, animals, or other natural resources.~~

The District may prohibit or restrict boating in specific areas as needed to ensure public safety, resource protection, and protection of District facilities or equipment. These restrictions may include limitations on engine horsepower, speed, or vessel type and shall be specific to a water body. Areas closed to boating and boating restrictions shall be posted by signage.

(c) Camping is only allowed on District lands at approved locations and as permitted by a Special Use Authorization issued by the District under Rule 40B-9.141, Florida Administrative Code.

(d) Commercial activity on District lands may be allowed pursuant to prior written authorization in the form of an agreement or lease with the District. A person proposing any commercial activity on District lands must submit the following minimum information to the District:

1. Name and address of business;

2. Name and address of business owner or person responsible;

3. Type of activity to be conducted;

4. Statement justifying the need for the proposed commercial activity in order to facilitate public access and/or use of District lands for a resource-based recreational purpose;

5. Number of participants;

6. Dates and duration of the proposed activity; and

7. Signed statement committing to abide by all applicable District requirements.

Any proposed commercial activity that will exceed one year in duration, require exclusive use of an area of land, or result in monetary consideration to the District, may only occur under a lease agreement approved by the Governing Board.

The District will review the request for compatibility with the applicable land management plan and notify the applicant in writing. Requests to exclusively use a specific site that will impede the public's use or for uses that will degrade the property will be denied.

(e) Dogs are allowed on District lands provided they are on a leash or caged at all times unless consistent with authorized uses in state wildlife management areas and federal wildlife refuges or specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code. Other types of domesticated animals, such as cats, are prohibited on District lands.

(f) Equestrian and other saddle animals, including those for use with noncommercial horse-drawn carriages and buggies, are allowed on all District lands on roads open to public motorized vehicles and all equestrian trails except where such use is specifically prohibited by signage. The person responsible for bringing a saddle animal onto District lands must have current, written proof of a negative Coggins test result.

(g) Fishing for recreation is allowed on District lands as authorized by the Florida Fish and Wildlife Conservation Commission, unless otherwise posted.

(h) Group recreational, educational or public service uses are allowed on all District lands open to the public provided a Special Use Authorization is issued by the District under Rule 40B-9.141, Florida Administrative Code.

(i) Hiking and other resource-based recreational purposes, such as photography, nature study, orienteering, are allowed on all District lands open to the public except where specifically prohibited by signage. For the purpose of this subsection, the term "hiking" includes jogging, wildlife viewing, or any other recreational activity where travel is by foot only and does not include another activity described in this chapter.

(j) Hunting for recreation is allowed in Florida wildlife management areas in accordance with applicable wildlife management area rules of the Florida Fish and Wildlife Conservation Commission, in United States national wildlife refuges subject to permit, and on District lands as designated and identified by signage. Public hunting areas on District lands must be approved by the Governing Board at a duly noticed public meeting. The District may allow hunting on lands not designated through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(k) Motorized vehicle use is allowed on District lands on public use and seasonal roads and in other areas designated by signage. The use of motorized vehicles on District lands is subject to the following requirements:

1. All motorized vehicles must be licensed for use on Florida highways.

2. All motorized vehicle operators must be licensed as required by Florida law.

3. All motorized vehicle operators must comply with posted speed limits. If no speed limit is posted, the speed limit is 20 mph.

4. Under Section 316.192, Florida Statutes, driving a motorized vehicle in a willful and wanton disregard for the safety of persons or property is considered reckless driving. Pursuant to Section 316.1925, Florida Statutes, any person who drives a motorized vehicle shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, Florida Statutes.

5. Emergency motorized vehicles on District lands are not restricted to roads open to the public or to the 20 mph or other posted speed limits.

(l) Picnicking is allowed on all District lands open to the public, unless otherwise posted.

(m) Research uses are allowed on all District lands provided a Special Use Authorization is issued by the District under Rule 40B-9.141, Florida Administrative Code, and further provided that if the proposed use will close or restrict public access, a contract or lease with the District is required.

(n) Swimming is allowed on District lands only in areas designated by signage.

Specific Authority 373.044, ~~373.59~~, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 4-1-93, Amended _____.

40B-9.132 Public Vehicle Use.

~~(1) Only conventional motorized vehicles, licensed for use on Florida highways, may be operated on the lands. The use of other motorized vehicles shall require a Special Use License, as specified in Rule 40B-9.141, Florida Administrative Code, from the District. Vehicles shall be operated by licensed operators.~~

~~(2) Motorized vehicles shall be operated by the public only on roads designated as open for public motor vehicles.~~

~~(3) Under Section 316.192, Florida Statutes, driving a vehicle in willful and wanton disregard for the safety of persons or property is reckless driving. Pursuant to Section 316.1925, Florida Statutes, any persons who drive vehicles on the lands shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, Florida Statutes.~~

~~(4) Motorized vehicle operators shall comply with posted speed limits on the lands. If no speed limit is posted, then the speed limit is 20 mph.~~

~~(5) Horse drawn carriages and buggies are considered motorized vehicles for the purpose of this rule.~~

~~(6) Bicycles and horses are not considered to be vehicles for the purposes of this rule. Bicycling and horseback riding are permitted only on established roads and trails unless these uses are specifically posted as prohibited.~~

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.133 Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-Running Hunting Dogs.

~~(1) Hunting, trapping, firearms, archery equipment, trapping devices and the releasing of free running hunting dogs is prohibited on the lands unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.~~

~~(2) Public hunting areas on the lands are administered by the District through agreements for services. If the land is included in a public hunting area, it shall be posted as prescribed by Chapter 810, Florida Statutes. Upon request, the~~

~~District shall provide reasonable information on the location and specific regulations for all public hunting areas on the lands.~~

~~(3) Public hunting areas shall be established only with the approval of the Governing Board. Governing Board approval shall be given at a public meeting which shall be advertised as required by Chapter 120, Florida Statutes. The District shall enter into a management agreement with the entity to be responsible for managing public hunting on the lands. Agreements are considered to be authorizations to remove designated game species. These agreements will be available at the District headquarters for review by the public.~~

~~(4) Under Section 810.09(2)(c), Florida Statutes, possession of a firearm on those lands posted as closed to hunting is a third-degree felony, punishable as provided in s. 775.082, s. 775.083 or s. 775.084, Florida Statutes.~~

Specific Authority 373.044, 373.1401, 373.59, 810.09 FS. Law Implemented 373.1401, 373.59, 810.09 FS. History–New 4-1-93, Amended 8-7-96, Repealed _____.

40B-9.134 Trespass After Notice.

~~Under Section 810.09(2)(b), Florida Statutes, any person who defies an order to leave the lands, personally communicated to him by the District or other authorized persons, or who opens or circumvents any fence or closed gate is guilty of a misdemeanor of the first degree punishable as provided in s. 775.082 or 775.083, Florida Statutes.~~

Specific Authority 373.044, 373.59, 810.09 FS. Law Implemented 373.59, 810.09 FS. History–New 4-1-93, Repealed _____.

40B-9.138 Other Prohibited Activities.

~~The following other activities are prohibited on the lands:~~

- ~~(1) The possession of alcoholic beverages.~~
- ~~(2) Littering or dumping of refuse.~~
- ~~(3) Vandalism, destruction or removal of posts, cables, chains, fencing, signs, or any other improvements, structures or property of the District.~~
- ~~(4) The removal of trees, animals, plant, soil or mineral matter, or cultural artifacts unless specifically authorized in a legal agreement with the District such as a timber cutting license or a Special Use License, as specified in Rule 40B-9.141, Florida Administrative Code.~~

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History–New 4-1-93, Repealed _____.

40B-9.1381 Prohibited Activities.

(1) The following activities are prohibited on District lands to the extent specified herein:

(a) Hunting or trapping animals, and releasing free-running dogs on District lands is prohibited except as provided in paragraph 40B-9.131(3)(h), F.A.C., above.

(b) The possession and/or use of alcoholic beverages on District land is prohibited.

(c) The disposal or discharge of any type of waste outside of designated waste collection facilities on District lands is prohibited.

(d) The disposal of oil, gasoline, or other hazardous substances on District lands is prohibited.

(e) Removing from or altering, destroying, or harming any animal, plant, soil, or mineral on District lands is prohibited, unless associated with:

- 1. District authorized research efforts;
- 2. Hunting and fishing activities specifically authorized under Part II of this chapter; or
- 3. District initiated removals associated with reforestation, control of exotic or nuisance species, timber harvests, or other land management activities.

(f) The introduction or release of any seed, plant or animal on District lands is prohibited unless pursuant to a District approved land management or restoration activity.

(g) Removal, alteration or destruction of historic resources on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District lands. Any person who discovers historic resources on District lands shall immediately notify the District of such discovery.

(h) Scuba diving or the use of underwater breathing apparatus on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code. To receive a Special Use Authorization for scuba diving, in addition to meeting the criteria in Rule 40B-9.141, Florida Administrative Code, the applicant must provide reasonable assurances that the dive is for a scientific or investigative purpose and the person performing the dive is certified for the type of dive to be performed. A person issued a Special Use Authorization to perform a dive from District lands must submit a report upon completion of the dive informing the District of any scientific or historic evidence discovered during the dive.

(i) Taking off or landing aircraft on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code, or the result of a *bona fide* emergency.

(j) Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code, unless associated with District authorized reforestation, exotic or nuisance

species control, timber harvests, or other land management activities, or approved hunts managed by the Florida Fish and Wildlife Conservation Commission.

(k) The mooring of any boat on District lands for more than 24 consecutive hours is prohibited, unless otherwise indicated by signage.

(l) The destruction, removal or alteration of any District-owned facilities, vehicles or other property is prohibited. District-owned property includes, but is not limited to, water control structures, boardwalks, kiosks and other recreational facilities, scientific study plots, photo points, transect lines, survey markers, buildings, towers, recorders, gauges, signs, gates, fences and monuments.

(m) The use of firearms, archery equipment, animal traps, or other similar devices on District lands is prohibited unless specifically authorized for:

1. Hunting activities as authorized under paragraph 40B-9.131(3)(h), Florida Administrative Code, above;

2. District initiated land management activities; or

3. A use specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

The possession of firearms or other similar devices on District lands must comply with Chapter 790, Florida Statutes.

(n) The use of paintball guns, paintball markers, and any other paintball equipment on District lands is prohibited.

(o) The possession or discharge of any fireworks or explosives on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(p) Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, paper signs, advertising devices, or informational matter of any kind, excluding District or management agency notices, on District lands is prohibited.

(q) Igniting any fire on District lands is prohibited except for District authorized prescribed burns or fires specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

(r) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.141, Florida Administrative Code.

Any unauthorized facility or structure discovered on District lands shall be removed according to the following procedure:

1. Upon discovery of an unauthorized facility or structure, the District will post a notice on such facility or structure for a period of 14 days, informing the owner that such facility or structure is not authorized and that the owner must immediately remove such facility or structure.

2. If the owner of the unauthorized facility or structure fails to remove such facility or structure within 14 days after posting of the District notice, the District will remove such facility or structure from District lands or claim such facility or structure as District property.

The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

(s) Any use of District lands not authorized by Part II of this chapter is prohibited.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New _____.

40B-9.141 Special Use Licenses.

(1) The public may apply for Special Use Licenses for public use and access, temporary ingress and egress and other purposes consistent with the Conceptual Management Plan, the approved Resource Management Plan, or other Governing Board approved District policies. If the application is approved, then a Special Use License will be executed between the applicant and District specifying the terms of the authorization. If the application is recommended for denial, a written notice will be sent to the applicant specifying the date and time of the public meeting when the Governing Board will consider the recommendation of a denial. The Governing Board shall then either grant the application with or without restrictions or deny the application and state the reason for denial.

(2) Any person receiving a denial may request a hearing by filing a written petition with the District within fourteen (14) days of the Governing Board's action. The hearing shall be conducted pursuant to Chapter 120, Florida Statutes.

(3) Members of the public who receive Special Use Licenses shall have the license in their possession while on the lands. Failure to comply with the terms of the license is grounds for revocation and denial of future licenses.

Under Section 810.09, Florida Statutes, any person, who without being authorized or licensed, enters upon or remains in property as to which notice against entering or remaining has been given through communication commits the offense of trespass.

Specific Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed _____.

40B-9.1411 Special Use Authorizations.

(1) Persons may apply for Special Use Authorizations for public uses of District lands not specifically authorized in Part II of this chapter, the District's Public Use Guide, and Rule 40B-9.131, F.A.C., provided the impacts from the requested use are consistent with the District's Land Management Plan, and other applicable District policies. If the application is approved, a Special Use Authorization will be issued

specifying the terms of the Authorization. If the application is denied, the applicant may appear before the District's Governing Board at a regularly scheduled meeting.

(2) Persons who receive Special Use Authorizations must have the authorization in their possession at all times while on District lands. Failure to comply with the terms of the authorization is grounds for revocation of the authorization and denial of future authorizations.

(3) To receive a Special Use Authorization, the applicant must provide reasonable assurance that the requested use:

(a) Is natural resource-based;

(b) Will not permanently alter District lands;

(c) Is consistent with the management of the District lands involved;

(d) Will not harm the environmental or historical resources of the District lands;

(e) Will not cause unreasonable expense to the District;

(f) Will not create a substantial risk of liability to the District;

(g) Will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment;

(h) Will not interfere with District leased, licensed, or authorized uses of the land; and

(i) Will not interfere with any other use allowed by Part II of this chapter.

The District shall impose upon any Special Use Authorization issued pursuant to this Chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this chapter.

(5) The Governing Board hereby delegates to the Executive Director, Deputy Executive Director and Senior Land Resources Manager, the authority to issue, deny or revoke Special Use Authorizations pursuant to this section.

(6) Any person may apply for a Special Use Authorization according to the following procedure:

(a) Submit an oral or written request addressing the reasonable assurances required by this section to Suwannee River Water Management District Land Acquisition and Management Department at (386)362-1001 or (800)226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060, or complete a pre-approved authorization obtained from a District kiosk on the property.

(b) If the requested use will create a substantial risk of liability to the District, the applicant may mitigate by:

1. Providing proof of liability and property damage insurance naming the District as an additional insured party in an amount sufficient to cover the cost of the liability posed to the District; or

2. Providing waivers or releases of liability sufficient to eliminate the liability posed to the District.

(c) The application shall be reviewed by the Land Acquisition and Management Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Deputy Executive Director.

(d) If the requested use satisfies all of the criteria set forth in this section, authorized District staff shall issue the Special Use Authorization.

(e) If the requested use does not meet the criteria set forth in this section, authorized District staff shall deny the Special Use Authorization application.

(7) Authorized District staff shall revoke a Special Use Authorization if the person authorized does not obtain all other required federal, state, or local approvals or permits prior to the start of any District authorized use.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1359, 373.1391, 373.1401 FS. History--New _____.

40B-9.142 Easements.

(1) The granting of a license or easement for ingress and egress or other rights-of-way will be considered only when there exists a way of necessity as defined in Section 704.01 F.S., or it will benefit the general public.

(2) Where there is no associated clear way of necessity, the right requested must not conflict with the purposes for which the District lands were acquired. Prior to consideration, the following information must be submitted to the District:

(a) A map or aerial photograph at a scale of at least 1:24,000 showing the proposed route and, if applicable, an outline of the property to be benefited;

(b) A complete description of the route, including dimensions, and its intended use;

(c) A description of any practical alternative routes; and

(d) A copy of the deed by which the applicant acquired title to the property to be benefited, if applicable, and any evidence of a claim of right. If a right-of-way is granted, it shall be described and conveyed in the most limited form that meets the intended purpose.

(3) Easements may only be granted upon approval and execution by the Governing Board. The conveyance of any easement by the District shall require payment by the applicant of the fair market value as determined by any of the following:

(a) A real estate appraisal performed by a licensed real estate appraiser on the District's approved list or by the District's Staff Appraiser, or the fee value for bare land as documented in an acquisition appraisal and adjusted by an appropriate market index for the period since the District's acquisition; and

(b) Payment of any reasonable administrative, survey, and legal costs.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.093, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.145 Leases.

(1) The District may grant a lease to use District land only when the purpose of the lease is consistent with the District’s land management plan and in compliance with the requirements of Section 373.093, F.S. The scope of any lease to use District land shall be restricted to the minimum necessary to conduct the proposed activity. The lease shall include such terms and conditions as are considered to be in the best interest of the District.

(2) A person may request to lease District land by contacting the Suwannee River Water Management District, Land Acquisition and Management Department at (386)362-1001 or (800)226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060.

(3) The Governing Board hereby delegates to the Executive Director the authority to enter into leases of District land where:

(a) The use of District land proposed under the lease is specifically included in a Governing Board approved land management plan;

(b) The total estimated lease revenue is less than \$100,000; and

(c) The period of the lease does not exceed five years. Staff may request Governing Board for approval any proposed lease when staff determines that entering into the lease will provide significant public benefit.

(4) When required by Section 373.093, F.S., the District shall publish notice of its intent to grant a lease of District land in a newspaper in the county in which the land is situated.

(5) Any District lease in existence prior to [effective date of rule] shall remain in effect until it expires by its own terms or is cancelled or revoked. Thereafter, the use authorized by the existing District lease shall be subject to this section.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

40B-9.151 Closure of District Lands.

(1) District ~~The~~ lands shall be closed to the public when such action is necessary to protect the water resources, natural resources, and/or historic resources of the land. Such closure is not limited to, but may include those areas that are used for water resource development, water supply development or stormwater management projects, linear facilities, or sustainable agriculture or silviculture.

(2) General ~~P~~ublic use of District ~~the~~ lands is prohibited during events ~~such as~~ flooding, wildfire danger, timber harvesting, land management activities such as prescribed burns or construction, and ~~or~~ other events ~~situations~~ that result

are in potentially dangerous conditions to the public or necessary to protect the property. The District shall provide notice to the public of such closures.

(3) District lands may be temporarily closed to the public use when necessary to conduct research, studies, or data collection approved or sponsored by the District. Temporary closure of District ~~the~~ lands will be posted at all entrances to the affected lands.

(4) The Governing Board hereby delegates to the Executive Director the authority to close District lands in accordance with this section.

Specific Authority 373.016, 373.044, 373.59, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New 4-1-93, Amended _____.

40B-9.161 Violations.

(1) Pursuant to ~~Under~~ Section 373.613, Florida Statutes, failure to comply with any ~~the~~ provisions of these rules is a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.

(2) The penalties specified ~~identified~~ in these rules are ~~in addition to~~ and cumulative ~~to~~ and do not supersede other legal remedies ~~penalties or options~~ available to the District including ~~including~~ civil remedies.

Specific Authority 373.044, 373.613, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New 4-1-93, Amended _____.

40B-9.320 Conflicting Rules.

If an agency has entered into lease agreement with the District regarding specific District lands, the rules of that agency shall apply where in conflict with these rules. If the lease agreement does not address a specific use, or if the agency does not have rules addressing a specific use, then the District’s rules shall apply. In the absence of a lease agreement or specific language in a lease agreement, the District’s rules shall apply.

Specific Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles H. Houder III, Deputy Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A notice of rule development for the proposed amendments to Chapter 40B-9, F.A.C., was published in the Florida Administrative Weekly on October 10, 2008. A second notice of rule development for the proposed amendments to Chapter 40B-9, F.A.C., was published in the Florida Administrative Weekly on October 31, 2008

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile
Homes**

RULE NO.: 61B-22.006
RULE TITLE: Financial Reporting Requirements
PURPOSE AND EFFECT: These rule amendments implement a change in the condominium law requiring association financial reports to disclose the amount of reserve funding required to fully fund association reserves, and require special assessment disclosure for cash basis financial reports.

SUMMARY: The amendments require financial reports to disclose the amount of annual funding required for reserves.

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: 718.111(13), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.111(12)(a)11., (13), 718.301(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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 6, 2009, 2:00 p.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. 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: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-22.006 Financial Reporting Requirements.

(1) through (2) No change.

(3) Disclosure requirements. The financial statements required by Sections 718.111(13) and 718.301(4), Florida Statutes, shall contain the following disclosures within the financial statements, notes, or supplementary information:

(a) The following reserve disclosures shall be made regardless of whether reserves have been waived for the fiscal period covered by the financial statements:

1. The beginning balance in each reserve account as of the beginning of the fiscal period covered by the financial statements;

2. The amount of assessments and other additions to each reserve account including authorized transfers from other reserve accounts;

3. The amount expended or removed from each reserve account, including authorized transfers to other reserve accounts;

4. The ending balance in each reserve account as of the end of the fiscal period covered by the financial statements;

5. The amount of annual funding required to fully fund each reserve account, or pool of accounts, over the remaining useful life of the applicable asset or group of assets;

~~6.5.~~ The manner by which reserve items were estimated, the date the estimates were last made, the association's policies for allocating reserve fund interest, and whether reserves have been waived during the period covered by the financial statements; and

~~7.6.~~ If the developer has established converter reserves pursuant to Section 718.618(1), Florida Statutes, each converter reserve account shall be identified and include the disclosures required by this rule.

(b) through (e) No change.

(4) through (5) No change.

(6) Financial reports required by Section 718.111(13)(b), Florida Statutes. The financial report required by Section 718.111(13)(b), Florida Statutes, shall meet the following requirements:

(a) The report shall be prepared using a cash basis method of accounting;

(b) The report shall include the reserve disclosures required by subsection 61B-22.006(3)(a), F.A.C.

(c) The report shall include the special assessment disclosure required by paragraph 61B-22.006(3)(c), F.A.C.

~~(d)(a)~~ If the association maintains limited common elements and the expense is apportioned to those units entitled to the exclusive use of the limited common elements the report shall contain the limited common element disclosures required by paragraph 61B-22.006(3)(d), F.A.C.

~~(e)(b)~~ The financial reports of multicondominium associations shall separately disclose the following items:

1. The receipts and expenditures directly associated with specific condominiums; and

2. The receipts and expenditures of the association that are not directly associated with specific condominiums.

(7) No change.

Specific Authority 718.111(13), 718.501(1)(f) FS. Law Implemented 718.111(12)(a)11., (13), 718.301(4) FS. History–New 7-11-93, Formerly 7D-22.006, Amended 12-20-95, 2-13-97, 12-18-01, 6-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Cochran, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles W. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 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

Board of Dentistry

RULE NO.: 64B5-2.014
RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to clarify proof of training in cardiopulmonary resuscitation (CPR) and to renumber remaining items.

SUMMARY: The rule amendment will add new language to clarify proof of training in cardiopulmonary resuscitation (CPR) and to renumber remaining items.

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: 466.004 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.0075, 466.028 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist by applying in the following manner:

(1) through (3) No change.

(4) Proof of training in cardiopulmonary resuscitation (CPR) at the basic support level, including one-rescuer and two rescuer CPR for adults, children, and infants; the use of an automatic external defibrillator (AED); and the use of ambu-bags. All such training shall be sufficient for and shall result in current certification or recertification by the American Heart Association, the American Red Cross or an entity with equivalent requirements.

~~(5)~~(4) It is the applicant’s responsibility to assure that the application for licensure is complete, including assuring that all required documents are submitted timely.

Specific Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, 466.0075, 466.028 FS. History–New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, 3-16-06, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0144
RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify requirements for sitting for the Florida Dental Hygiene examination.

SUMMARY: The rule amendment will add language to clarify requirements for sitting for the Florida Dental Hygiene examination.

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: 466.004, 466.007, 466.067 FS.

LAW IMPLEMENTED: 466.007 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

Applicants for licensure as dental hygienists who have graduated from an unaccredited dental school or college shall submit the following:

(1) through (9) No change.

(10)(a) Applicants applying for licensure under Section 466.007(2)(b)2., F.S., whose applications do not indicate they have obtained Dental Hygiene clinical education to the level of the clinical experience required by an American Dental Association (ADA) accredited Dental Hygiene program in the areas set forth in paragraph (11)(b) below, who have failed the initial examination, shall be required to obtain remedial coursework in those designated areas that applicant has not successfully completed that would meet the ADA clinical requirements at an ADA accredited dental or dental hygiene school, before being permitted to re-take the dental hygiene examination. Such additional coursework shall be obtained from a program accredited by the ADA, only after the applicant satisfies and the Board approves the education and testing requirements of subsections (3) through (10) above. Such additional coursework must be obtained by the applicant and approved by the Board prior to the applicant being allowed to sit for the Florida Dental Hygiene examination.

(b) through (c) No change.

Specific Authority 466.004, 466.007, 456.067 FS. Law Implemented 466.007 FS. History—New 1-18-95, Formerly 59Q-2.0144, Amended 8-19-97, 8-20-97, 5-20-01, 12-21-06, 5-8-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:

64B5-15.002 Application Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language for the cost of the application fee for a Health Access Dental License.

SUMMARY: The rule amendment will add language for the cost of the application fee for a Health Access Dental License.

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: 466.004(3) FS.

LAW IMPLEMENTED: 466.006(1) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.002 Application Fees.

The application fee for licensure as a dentist shall be one hundred dollars (\$100.00), and the application fee for licensure as a dental hygienist shall be fifty dollars (\$50.00). The application fee for a Health Access Dental License shall be one hundred dollars (\$100.00).

Specific Authority 466.004(3) FS. Law Implemented 466.006(1), 466.007(1) FS. History—New 4-1-80, Amended 5-9-82, Formerly 21G-15.02, 21G-15.002, 61F5-15.002, 59Q-15.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-15.006
 RULE TITLE: Licensure and Renewal Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify the biennial renewal fee.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify the biennial renewal 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: 456.013, 456.025, 466.013 FS.

LAW IMPLEMENTED: 456.013, 456.025, 466.013 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.006 Licensure and Renewal Fees.

(1) The fee for biennial renewal of both a dental license and of a health access dental license shall be \$300.00, ~~and The biennial renewal fee for a dental hygiene license, the renewal fee shall be \$100.00.~~

(2) No change.

Specific Authority 456.013, 456.025, 466.013 FS. Law Implemented 456.013, 456.025, 466.013 FS. History–New 4-1-80, Amended 1-25-82, 10-3-83, Formerly 21G-15.06, Amended 11-16-89, 8-13-92, Formerly 21G-15.006, 61F5-15.006, Amended 5-6-96, Formerly 59Q-15.006, Amended 8-2-01, 6-11-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.001
 RULE TITLE: Definitions of Remediable Tasks and Supervision Levels

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to define the supervision level for any task delegable to dental hygienists.

SUMMARY: The rule amendment will add language to define the supervision level for any task delegable to dental hygienists.

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: 466.004(4), 466.024(1), (3) FS.

LAW IMPLEMENTED: 466.024, 466.03(1), (12) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.001 Definitions of Remediable Tasks and Supervision Levels.

(1) through (7) No change.

(8) Any tasks delegable to dental assistants will be delegable to dental hygienists under the same supervision level, unless otherwise stated in the rules.

Specific Authority 466.004(4), 466.024(1), (3) FS. Law Implemented 466.024, 466.003(11), (12) FS. History–New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 10-8-85, Formerly 21G-16.01, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 1-18-89, Formerly 21G-16.001, Amended 3-30-94, Formerly 61F5-16.001, Amended 4-6-97, Formerly 59Q-16.001, Amended 1-6-99, 10-29-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.002
RULE TITLE: Required Training

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete reference to the Dental Assisting National Board, Inc. (DANB) credential.

SUMMARY: The rule amendment will delete reference to the Dental Assisting National Board, Inc. (DANB) credential.

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: 466.004, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.002 Required Training.

(1) Formal training which is required for the performance of certain remediable tasks consists of a dental hygienist's or dental assistant's successful completion of an expanded duty course or program which meets one of the following requirements:

(a) through (b) No change.

(c) A dental assistant who possesses a current Dental Assisting National Board, Inc. (DANB) credential.

(2) through (4) No change.

Specific Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended 1-29-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2008

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-3.001
RULE TITLE: Application for Initial License

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt and incorporate by reference the application for initial license.

SUMMARY: The proposed changes will adopt and incorporate by reference the application for initial licensure in the rule and indicate a website where the form may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 484.044 FS.

LAW IMPLEMENTED: 456.013, 484.0447(4), (5), 484.045 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-3.001 Application for Initial License.

(1) The Department shall issue a license to each applicant who has completed the appropriate form, paid the initial licensure fee, and whom the Board certifies has met the licensing requirements of Chapter 484, Part II, Florida Statutes, and minimal procedures and equipment requirements of Chapter 64B6-6, F.A.C. The application shall be made on the Board of Hearing Aid Specialists Initial Licensure Form, Form DH-MQA 1156 (revised 10/08), hereby adopted and incorporated by reference, and can be obtained from the Board of Hearing Aid Specialists' website at http://www.doh.state.fl.us/mqa/HearingAid/.

(2) No change.

Specific Authority 484.044 FS. Law Implemented 456.013, 484.0447(4), (5), 484.045 FS. History--New 5-14-87, Amended 4-8-90, Formerly 21JJ-3.001, 61G9-3.001, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.007
 RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to citations providing for a fine for tendering a dishonored check.

SUMMARY: The proposed changes will add a requirement for licensees who tender a check to the Board or Department that is dishonored by the institution to be issued a fine of \$100.00 and payment of the dishonored check within 30 days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.007 Citations.

(1) through (3) No change.

(4) Tendering a check payable to the Board of Hearing Aid Specialists or to the Department of Health that is dishonored by the institution upon which it is drawn shall result in a fine of \$100.00 and payment of the check within 30 days.

~~(5)~~(4) Citations shall be issued for the first time offense of those violations enumerated in subsection (3). Failure to comply with the citations and remedy the violations within 60 days of the date of the citation shall result in disciplinary action being taken against the licensee.

~~(6)~~(5) If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a public final order and does not constitute discipline for a first offense, but does constitute discipline for a second or subsequent offense.

Specific Authority 456.077, 484.044 FS. Law Implemented 456.077 FS. History—New 10-21-91, Formerly 21JJ-7.010, Amended 11-21-94, Formerly 61G9-7.010, Amended 9-24-97, 5-19-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2008

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.603
 RULE TITLE: Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment updates the telephone standard and includes wording changes, clarifications and technical changes of a non-substantive nature improving the content of the rule.

SUMMARY: General Food Stamp Program income and expense language.

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: 414.45 FS.

LAW IMPLEMENTED: 414.31 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: January 7, 2009, 11:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Stamp Program Income and Expenses.

(1) Rounding Income and Expenses. With the exception of the benefit reduction, cents resulting from budgetary calculations are will be retained at each level in determining the assistance group's (AG's) food stamp benefits except at

calculation of the benefit reduction. The result of calculation of the benefit reduction is will be rounded up to the next whole dollar amount.

(2) Standard Utility Allowance. A standard utility allowance (SUA) of \$198 must be used by Assistance Groups (AGs) who actually incur or, within the certification period next 12 months expect to incur, either heating or cooling expenses costs or both separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low Income Home Energy Assistance Act of 1981 payment. Actual utility expenses are not allowed. Any When a SUA is budgeted, no other additional utility expenses costs, including the separate telephone standard, are not used expense, will be budgeted. The AGs that must use the SUA include those that:

- (a) Are billed by their landlord for actual usage of cooling and/or heating utilities, or are charged a flat rate for heating and cooling, separate and apart from their rent or mortgage;
- (b) Receive direct or mortgage assistance authorized by the Low Income Home Energy Assistance Act of 1981 (LIHEAP); and
- (c) Share a utility meter and incur a heating cost, a cooling cost or both.
- (d) Assistance Groups who are residents of public housing that are billed only for excess utility expenses are entitled to the full SUA.
- (e) If more than one AG shares in paying any of the utility expenses of the dwelling, the full SUA will be allowed for each AG sharing in any of the utility costs. An individual living with others and not sharing in the utility costs of the dwelling is not entitled to the SUA.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of \$173 must will be used by budgeted for AGs who that do not have the ability to incur either heating or cooling expenses, but do incur other utilities expenses such as electricity, fuel, water, sewerage, or garbage pickup, separate and apart from their rent or mortgage. Actual utility expenses are not allowed. If the BUA is budgeted, no other Any additional utility expenses, including the telephone standard, are not used expense, will be budgeted. The use of this BUA is mandatory for all AGs who incur a utility expense other than a telephone, including AGs who:

- (a) Are billed by their landlord for actual usage or are charged a flat rate for utilities; and
- (b) Share a utility meter and pay for utilities.

If more than one AG shares in paying any of the utility expenses of the dwelling, the full BUA will be allowed for each AG sharing in the utility costs. An individual living with others and not sharing in the utility expenses of the dwelling is not entitled to share the BUA.

(4) Telephone Standard. A telephone standard of \$29 must be used by AGs whose incur only allowable utility expense is for a telephone expense, will be offered a separate standard

telephone allowance for use in the food stamp budget. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used. If more than one AG shares in payment of the telephone expense and that is the only utility expense of the dwelling, the full telephone standard will be allowed for each AG sharing in the telephone expense. The amount of the standard telephone allowance is \$14.

(5) Homeless Shelter Deduction Standard Estimate for the Homeless. A hHomeless shelter deduction of \$143 must be used by homeless AGs who do not receive free shelter throughout the month and individuals who incur or expect to incur shelter expenses unless higher expenses are claimed costs during a month shall have a shelter standard estimate of \$143 included in their food stamp budget, if the individual so desires.

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History-- New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
12B-7.008 Public Use Forms

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. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated November 17, 2008, changes to Forms DR-145 and DR-145X will be made as follows:

- (1) The title of Form DR-145X will be changed to read "Oil Product Monthly Amended Tax Return"; and
- (2) The following subheading will be removed from Forms DR-145 and DR-145X: "Check here if amending your return."