

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

FINANCIAL SERVICES COMMISSION

OIR – Administration

RULE NO.: 69N-121.066 RULE TITLE: Informal Conferences

PURPOSE AND EFFECT: Section 624.319, F.S., provides that the Office is to make a full and true written report of each examination it performs on an insurer. The section further states that the Office is to provide a draft of the report to the insurer for its review prior to the report being finalized. If the insurer disagrees with findings in the draft report it has the right to a hearing, at which hearing the insurer can express its concerns. After the hearing the Office is to publish the final report after making any modifications to the draft that the Office deems proper.

SUBJECT AREA TO BE ADDRESSED: This rule sets out the particulars of the hearing that will take place if one is requested by an examined insurer. The amendment clarifies that if the Office takes action against the insurer based upon the findings in the final report, the insurer has the right to petition for a formal hearing in front of the Division of Administrative Hearings.

SPECIFIC AUTHORITY: 120.05(5), 120.53, 624.308 FS.
LAW IMPLEMENTED: 120.53, 120.54, 120.56, 120.57, 120.58, 624.307(1), 624.319, 624.324 FS.

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

DATE AND TIME: February 26, 2009, 9:30 a.m.
PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@flor.com. If you

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69N-121.066 Informal Conferences.

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

(e) If based upon the findings set out in the report the Office takes action against the insurer which affects its substantial interest, the insurer shall have the right to request a hearing pursuant to Section 120.569, F.S. to address the action taken by the Office based upon those findings. If disputed points are not settled in the conference, and the Office notifies the company that it intends to file the report and make it a public document as presented in the draft form, the insurer may request a formal hearing to resolve the disputed issues, as provided for under Chapter 120, F.S., and in accordance with the Notice of Rights which are a part of the Office's notification.

Specific Authority ~~120.05(5), 120.53,~~ 624.308 FS. Law Implemented 120.53, 120.54, 120.56, 120.57, ~~120.58,~~ 624.307(1), 624.319, 624.324 FS. History–New 1-1-75, Formerly 4-38.37, Amended 2-5-87, Formerly 4-38.037, Amended 12-19-94, Formerly 4-121.066, Amended.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.046 RULE TITLE: Initiative Process for Method of Selection for Circuit or County Court Judges

PURPOSE AND EFFECT: The purpose of this rule is to implement the style and requirements for initiative petition forms used to change the method of selection for circuit and county court judges. The rule further provides the procedures for obtaining approval of the initiative petition forms and the requirements for signature verification of the forms. The effect of the rule is to implement the constitutional and statutory provisions that provide a mechanism for Florida voters to change the method of selection for circuit or county court judges.

SUMMARY: The proposed rule establishes the requirements, procedures, and forms for using an initiative petition to change the method of selection for circuit and county court judges. The rule also sets forth the signature verification requirements for such petitions.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 105.036 FS.

LAW IMPLEMENTED: Art V, Fla. Const., 101.161, 105.036 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: Monday, March 9, 2009, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Amber Barrett, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224. 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). 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: Amber Barrett, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6224

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.046 Initiative Process for Method of Selection for Circuit or County Court Judges.

(1) Submission of Petition Initiative.

(a) Any proposed initiative to change the method of selection of circuit court judges for placement on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to format.

(b) Any proposed initiative to change the method of selection of county court judges for placement on the ballot shall be submitted by the sponsoring political committee to the Supervisor of Elections in the affected county for approval as to format.

(c) The submission of the proposed initiative shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated.

(d) No initiative petition form may be circulated for signatures unless first approved by the Division of Elections or the Supervisor of Elections, as applicable.

(2) Requirements and Approval of Petition Form. The Division of Elections or Supervisor of Elections, as applicable, shall review the petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division of Elections or Supervisor of Elections, as applicable, shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form corresponds to the following:

(a)1. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 112 (eff.12/08), entitled "Circuit Court Judge Selection Initiative Form."

2. The format of an initiative petition submitted for review and approval by a Supervisor of Elections shall be substantially in accordance with Form DS-DE 113 (eff.12/08), entitled "County Court Judge Selection Initiative Form."

(b) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches. The petition shall be contained on only one-side of the card or paper.

(c) Is clearly and conspicuously entitled at the top of the form "Circuit Court Judge Selection Initiative Form" or "County Court Judge Selection Initiative Form," as applicable.

(d) Includes adequate space for the voter's name, residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

(e) Contains the ballot language in Section 101.161(3), F.S., for circuit or county court judges, as applicable. One form may not be used as a petition to change the method of selection for both circuit and county court judges.

(f) Contains space for only one voter's signature to be located below the applicable ballot language. Petition forms providing for multiple signatures per page will not be approved.

(g) Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name and address of the sponsoring political

committee, and the name of the entity paying for the production or distribution of the petition form if different from the name of the sponsoring political committee.

(3) Forms DS-DE 112 and 113 are hereby incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials shall be printed directly on the form.

(5) Assignment of a Serial Number.

(a) The Division of Elections or Supervisor of Elections, as applicable, shall assign a serial number as noted herein to each approved petition form. The serial number assigned must be printed in the lower right hand corner of the petition form.

(b) The serial number assigned by the Division of Elections shall begin with the capital letter "C," followed by the last two digits of the calendar year in which the petition form is approved and by a number in numeral sequence. For example, the first petition form approved by the Division of Elections in 2009 would be assigned the serial number C09-1.

(c) The serial number assigned by a Supervisor of Elections shall begin, except as noted herein, with the first three letters of county's name, followed by the last two digits of the calendar year in which the petition form is approved and by a number in numeral sequence. Instead of the first three letters in the county's name, the following counties will use these letters: Collier – CLR and Martin – MRT. For example, the first petition form approved in 2009 by Palm Beach County would be assigned the serial number PAL09-1 and the first petition form approved in 2010 by Collier County would be assigned the serial number CLR10-1.

(6) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections or Supervisor of Elections, as applicable, for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change to a previously approved petition form. The Division of Elections or Supervisor of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed ballot language, a change in punctuation or layout, or a change in the name of the sponsoring political committee. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition

form and shall be assigned a different serial number upon approval by the Division of Elections or Supervisor of Elections, as applicable.

(7) Reproduction. A petition form may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided the form is reproduced in the same format as approved by the Division of Elections or Supervisor of Elections, as applicable. The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken line border.

(8) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms for verification of signatures to the Supervisor of Elections and the submission shall be in the county in which the signer is a registered voter. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(9) Signature Verification.

(a) The Supervisor of Elections shall promptly verify the signatures on each petition form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petition, a registered voter in the county in which the petition is submitted,

2. Had not signed the petition form more than two years prior to the date the Supervisor of Elections verified the petition, and

3. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor of Elections shall not verify a signature on the petition form unless all of the following information is contained on the petition form:

1. The voter's name,

2. The voter's address (including city and county),

3. The voter's date of birth or voter registration number,

4. The voter's original signature, and

5. The date the voter signed the petition, as recorded by the voter.

(10) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed initiative petition on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 105.036 FS. Law Implemented Art V, Fla. Const., 101.161, 105.036 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland, Assistant General Counsel, Department of State

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 12, 2008

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.047
RULE TITLE: State Campaign Matching Funds Program

PURPOSE AND EFFECT: The proposed rule implements the requirements of the Florida Election Campaign Financing Act found within Sections 106.30-.36, F.S. The rule was formerly contained in Rule 1S-2.017, F.A.C., but is being removed from that rule as not being completely relevant to the electronic filing of campaign finance treasurers' reports. The proposed rule incorporates up-to-date procedures and forms to be used by the Division of Elections and by candidates eligible for state campaign matching funds.

SUMMARY: The proposed rule describes how eligible candidates request state campaign matching funds, when the distribution of those funds occur, the reports required to be filed and their deadlines, the required supporting documentation, and how appeals of adverse decisions are to be made. It further contains procedures for candidates who desire to voluntarily abide by campaign expenditure limits but who do not participate in the matching funds program.

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

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

SPECIFIC AUTHORITY: 20.10(3), 106.33, 106.35(1), (5) FS.
LAW IMPLEMENTED: 106.30-.36 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: Monday, March 9, 2009, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristi R. Bronson, Director, Bureau of Election

Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. 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: Kristi R. Bronson, Director, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Room 316, Tallahassee, Florida 32399-0250; telephone: (850)245-6240

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.047 State Campaign Matching Funds Program.

(1) Form of Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall complete Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions" (eff. _____), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Distribution of Funds. State matching funds shall be distributed to eligible candidates beginning on the 32nd day prior to the primary and every 7 days thereafter. The first distribution will be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election. Thereafter, distribution of funds will be based on reports as provided by Section 106.07(1)(b), F.S. Each distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with documentation provided by the candidate as set forth in subsection (4) of this rule.

(3) Filing of Reports.

(a) A report of contributions received by a candidate who is eligible to receive state matching funds is timely if it is filed using the Division's electronic filing system no later than 12:00 noon, Eastern Time, on the date it is due. If a report is filed after 12:00 noon, Eastern Time, on the due date, the report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Reports of contributions filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete, or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be distributed in the next reporting cycle.

(c) If a candidate requesting matching funds submits a contribution report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(4) Documentation.

(a) Documentation for each contribution report must be received by the Division no later than 12:00 noon, Eastern Time, on the date the report is due. If documentation for such report is received by the Division after 12:00 noon, Eastern Time, on the due date, the documentation will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle.

(b) Documentation may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed contribution report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed contribution report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(c) In order to verify contributions, the Division must receive the following documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

3. For an in-kind contributions, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and

4. For a cash contribution, a copy of the bank deposit slip.

(d) Documentation that does not conform to the specifications in this paragraph will not be processed and the candidate will be notified by the Division. Upon supplying documentation that is in compliance with these specifications and verification by the Division, matching funds will be distributed in the next reporting cycle.

(5) Appeal. An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(6) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds" (eff. _____), upon qualifying for office.

(7) Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850)245-6240.

Specific Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented 106.30-36 FS. History—New _____.

Editorial Note: This rule originated from former 1S-2.017(2) and (3), dated 6-2-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristi R. Bronson, Director, Bureau of Election Records,
Division of Elections, Department of State

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 9, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-1.039

Supplemental Educational Services
in Title I Schools

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the updated application form, Form SES 100, Supplemental Educational Services Provider Application, for 2009 applicants. The effect is the adoption of the updated form for applicants seeking to provide Supplemental Educational Services during the 2009-2010 school year.

SUMMARY: The rule is amended to adopt the updated application form for applicants to apply as Supplemental Educational Services providers.

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: 1008.331 FS.

LAW IMPLEMENTED: 1008.331 FS.

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

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Bacen, Bureau Chief, Bureau of Student Assistance, K-12 Public Schools, 325 West Gaines Street, Suite 314, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.039 Supplemental Educational Services in Title I Schools.

(1) through (2) No change.

(3) Roles and Responsibilities.

(a) The Department shall:

1. Provide annual notice of the process for obtaining approval to provide supplemental educational services.

2. Approve supplemental educational services providers based upon the application requirements set forth in Form SES 100, Supplemental Educational Services Provider Application 2009, which is hereby incorporated by reference to become effective upon the effective date of this rule. Form SES 100 may be obtained from the Florida Department of Education, Bureau of Student Assistance Public School Options, 325 West Gaines Street, Suite 16, Tallahassee, Florida 32399-0400 or on the Department's website at www.fldoe.org/flbpo.

3. Maintain a list of state-approved providers.

(b) through (10) No change.

Specific Authority 1008.331 FS. Law Implemented 1008.331 FS. History--New 4-14-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.099 Cooperative Projects and Activities

PURPOSE AND EFFECT: The purpose of the amendment is to delete obsolete references and remove language for determining the ratio of administrators to teachers as it is no longer required by Florida Statutes. The effect is a rule aligned with current statutes.

SUMMARY: The proposed amendment will update the rule to be consistent with governing statutes and will not affect the procedures and processes associated with the rule.

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

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

SPECIFIC AUTHORITY: 1001.02(1), 1001.42(14) FS.

LAW IMPLEMENTED: 1001.42(14) FS.

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

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Suite 1703/07, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099 Cooperative Projects and Activities.

(1) District school boards are authorized to enter into cooperative or joint projects and activities as provided in Section ~~1001.42(14)~~ ~~230.23(4)(j)~~, Florida Statutes; provided however, that any disagreements which cannot be satisfactorily resolved by the parties to such agreements may be referred to the Commissioner whose decision shall be binding on all cooperating boards.

(2) through (f) No change.

(g) Employment of personnel. The consortium board of directors shall recommend establishment of positions and individuals for appointment to the district of record. Formal recommendation and approval of personnel shall be

accomplished in accordance with statutory authority. Personnel shall be employed under the salary schedule and personnel policies of the district of record and shall be deemed to be public employees of the district of record. Where personnel are employed in an instructional capacity, contract status shall be consistent with provisions of Section 1012.33 ~~231.36(9)~~, Florida Statutes. ~~For the purpose of determining the ratio of administrators to teachers as required in Section 229.565(2)(f), Florida Statutes, personnel of the consortium shall be counted on a prorated basis among member districts based on previous final unweighted FTE.~~

(h) through (i) No change.

Specific Authority 1001.02(1), 1001.42(14) ~~229.053(1)230.23(4)(j), (12)~~ FS. Law Implemented 1001.42(14) ~~229.053(2)(h), (i), (j), 230.23(4)(j), (12)~~ FS. History—New 2-20-64, Amended 9-17-72, Repromulgated 12-5-74, Amended 6-9-81, 9-27-84, Formerly 6A-1.99, Amended 5-26-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Champion, Deputy Commissioner for Finance and Operations

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0571
RULE TITLE: Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the updated standards, benchmarks and frameworks for career and technical education and adult general education for 2009/2010. The effect is to ensure that school leaders have the updated information and expectations as they plan for the next school year.

SUMMARY: The rule is amended to adopt the updated standards, benchmarks and frameworks for career and technical education and adult general education for 2009/2010.

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: 1004.92(2)(b)3. FS.

LAW IMPLEMENTED: 1004.92(2)(b)4. FS.

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

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elsie Rogers, Workforce Education, elsie.rogers@fldoe.org or (850)245-9029

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Career and Technical Education and Adult General Education Standards and Industry-Driven Benchmarks.

Section 1004.92, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for career and technical education, adult and community education programs. The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs prescribed in Section 1011.80, F.S., or Workforce Development Education programs as prescribed in Section 1011.62, F.S., are annually adopted by the State Board and shall be published by the Commissioner in a document titled, “Standards, Benchmarks, and Frameworks for Career and Technical Education ~~Curriculum Frameworks~~, Academic Year 2009/2010 ~~2008/2009~~,” or in the document “Curriculum Frameworks for Adult General Education, 2009/2010 ~~2007/2008~~.” These criteria are hereby incorporated by this rule and made a part of the rules of the State Board of Education to become effective with the effective date of this rule. Copies of these publications may be obtained from the Division of Workforce Education, Department of Education, The Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399 or from the Department’s website at <http://www.fldoe.org/workforce/dwdframe> and http://www.fldoe.org/workforce/dwdframe/ad_frame.asp.

(1) District school boards and community colleges boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, to vary up to ten (10) percent of the intended outcomes of each framework included in the document “Standards, Benchmarks, and Frameworks for Career and Technical Education ~~Curriculum Frameworks~~, Academic Year 2009/2010 ~~2008/2009~~,” and “Curriculum Frameworks for Adult General Education, 2009/2010 ~~2007/2008~~.” The variance does not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school’s waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the documents “Standards, Benchmarks, and Frameworks for Career and Technical Education ~~Curriculum Frameworks~~, Academic Year

2009/2010 2008/2009” and “Curriculum Frameworks for Adult General Education, 2009/2010 2007/2008,” provided that:

(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;

(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework;

(c) The waiver request fulfills the provisions of Section 1001.10, F.S.

Specific Authority 1004.92(2)(b)3. FS. Law Implemented 1004.92(2)(b)4. FS. History—New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, 1-23-00, 7-21-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lucy Hadi, Chancellor, Workforce Education
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

**DEPARTMENT OF EDUCATION
 State Board of Education**

RULE NOS.:	RULE TITLES:
6A-22.001	Definitions
6A-22.002	Rehabilitation Provider Qualifications
6A-22.003	Reemployment Status Review
6A-22.004	Notice Requirements
6A-22.006	Screening Process
6A-22.008	Reemployment Services and Programs
6A-22.009	Employee Responsibilities
6A-22.010	Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities
6A-22.011	List of Forms
6A-22.012	Expenditures from the Workers’ Compensation Administrative Trust Fund

PURPOSE AND EFFECT: The purpose and effect of these rule amendments are to (a) mandate the electronic submission of the information required in Forms DWC-21 (Reemployment Services Billing Form) and DWC-22 (Reemployment Status Review Form) from the carriers to the Bureau of Rehabilitation and Reemployment Services, resulting in increased workers’ compensation system efficiencies; (b) require qualified rehabilitation providers to have a business e-mail address

thereby increasing efficiencies in the workers’ compensation system; (c) allow for on-the-job training that is temporary, thereby expanding the opportunities for injured employees to receive training; (d) clarify various Bureau of Rehabilitation and Reemployment Services procedures for screening cases under Section 440.491(6), Florida Statutes; (e) provide for cost containment, capping all services provided by qualified rehabilitation providers to the Bureau of Rehabilitation and Reemployment Services at \$55.00 per hour; and (f) permit certain vocational assessments to be conducted by certified rehabilitation counselors or certified disability management specialists.

SUMMARY: The rules are proposed for amendments to better align services and ensure consistency with current state and federal laws.

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: 440.491(5), (6), (7), (8) FS.

LAW IMPLEMENTED: 440.491 FS.

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

DATE AND TIME: March 17, 2009, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Reginald L. Watkins, Bureau Chief, Vocational Rehabilitation, (850)245-3473

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-22.001 Definitions.

~~(1) “Cooperative working agreement” means a written contractual agreement between the Department and a qualified rehabilitation provider or a public or private agency to provide comprehensive reemployment services such as on the job training development, job placement and follow up.~~

~~(1)(2) “Customary residence” is the injured employee’s place of permanent residence. Whenever the injured employee changes his or her permanent residence, the customary residence changes also.~~

(3) through (4) renumbered (2) through (3) No change.

~~(5) “Ergonomic job analysis” is the objective study of the relationship among job demands, environmental conditions and human functional characteristics.~~

(6) through (7) renumbered (4) through (5) No change.

~~(6)(8) “Labor market” means an area not to exceed a fifty (50) mile radius of the injured employee’s customary vicinity.~~

~~(7)(9)~~ “On-the-job training (OJT) contractor” is a qualified rehabilitation provider or employee of a public or private agency which has entered into a contract cooperative working agreement with the Department for the provision of on-the-job development and follow-up services.

~~(8)(10)~~ “On-the-job training (OJT) contract” is a contract between an employer, injured employee and the Department in which an employer agrees to hire an injured employee subject to the same working conditions and benefits as all other similarly situated employees. Pursuant to the contract, the employer shall provide training and adequate supervision to enable the injured employee to achieve predetermined competencies to assist the injured employee to ensure a return to suitable gainful employment with the contract employer at the end of the contract period.

(11) through (13) renumbered (9) through (11) No change.

(12) “Unemployed” means that the injured employee is not receiving wages for services or labor performed for an employer.

~~(13)(14)~~ A vocational evaluator is:

(a) A rehabilitation counselor as defined in paragraph 6A-22.002(1)(b), F.A.C., who is qualified thereby to make vocational assessments as herein defined and is employed by the Department; or

(b) a vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is qualified thereby to perform vocational evaluations as herein defined and in Section 440.491(1)(i), Florida Statutes, and is employed by the Department; or

(c) a vocational evaluator as defined in paragraph 6A-22.002(1)(c), F.A.C., who is approved by the Department to perform vocational evaluations as herein defined and in Section 440.491(1)(i), Florida Statutes, and is employed privately. “Vocational evaluator” is a qualified individual employed by the Department or who holds the designation of a certified vocational evaluator and is approved by the Department to perform vocational evaluations.

~~(14)(15)~~ No change.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.001, Amended 5-5-04, _____.

6A-22.002 Rehabilitation Provider Qualifications.

(1) through (3) No change.

(4) Each applicant shall have a business e-mail address and must maintain that address during the period that the applicant is listed in the directory.

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

~~(6)(5)~~ Employees of the Department are exempt from the requirements of subsections 6A-22.002(2) and (3), F.A.C.

Specific Authority 440.491(7) FS. Law Implemented 440.491(7) FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.002, Amended 5-5-04, 2-22-05, _____.

6A-22.003 Reemployment Status Review.

(1) The carrier shall conduct a reemployment status review by completing a reemployment status review form, ~~on the~~ DWC-22, which is incorporated by reference in Rule 6A-22.011, F.A.C.

(2) The carrier shall complete an electronic form DWC-22 within fifteen (15) days of the reporting requirement deadlines set forth in Section 440.491(3)(a), F.S., and

(a) Shall retain a copy in the carrier’s file, and

(b) Shall submit the electronic form DWC-22 to the Department’s website <https://wc-returntowork-vr.doe.state.fl.us/rehabforms/> within fifteen (15) business days of completion.

(c) Electronic form DWC-22 shall comply with the File Layout for Electronic Submission, Revision A Record Length: 1000 Header Record Layout for DWC-22 as incorporated by reference in Rule 6A-22.011, F.A.C.

(d) An electronic form DWC-22 filed with the Department which is not completed according to these rules will be returned by the Department to the employer or carrier. Upon receipt of the returned form, the employer or carrier shall properly complete and refile the form with the Department within fifteen (15) days.

Specific Authority 440.491(3), ~~(4)~~, (5), (6), (8) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.005, Amended _____.

6A-22.004 Notice Requirements.

(1) No change.

(2) A carrier shall use the following written notice: “Your continuing disability indicates you may be unable to perform the duties of the job held at the time of your work-related injury. If this is correct and you are unable to return to work in any capacity with your current employer or find other employment which would allow you to earn your pre-injury wages, you may be eligible for a screening for reemployment services from the State of Florida, Department of Education. Upon receipt of your request, the Department will assess your case to determine what services are necessary to return you to suitable gainful employment. Reemployment services that you may be eligible for include job seeking skills training, counseling, referrals to other agencies, job market information, transferable skills analysis, job development, job placement, job analysis, job modification, vocational testing, vocational evaluation, on-the-job training, securing a general education diploma (GED), or formal training and education. Additionally, if you have reached maximum medical improvement and are unable to earn at least eighty (80) percent of your compensation rate, and subject to the overall limitation of one hundred four (104) weeks of temporary total disability benefits payable in a workers’ compensation case with a date of accident which falls on or after October 1, 2003, the carrier shall pay training and education temporary total disability

benefits for a period up to twenty-six (26) weeks upon beginning a Department approved retraining program or the carrier may elect to pay temporary partial disability/wage loss benefits if you earn wages as the result of on-the-job training or work while enrolled in a program. An additional twenty-six (26) weeks may be approved if deemed necessary by the Judge of Compensation Claims. If your date of accident occurred on or after October 1, 2003, the above benefits shall not be in addition to the 104 weeks' maximum number of weeks payable for temporary total disability benefits prior to reaching maximum medical improvement. To request a screening, contact your local state Division of Vocational Rehabilitation District Office or the Central Office in Tallahassee at (850)245-3470 and ask to speak with a staff person in the Reemployment Services Section of the Bureau of Rehabilitation and Reemployment Services." The carrier shall send a copy of this notification to the Bureau of Rehabilitation and Reemployment Services, Department of Education, 101A Forrest Building, 2728 Centerview Drive, Tallahassee, Florida 32399-0400 within ten days of mailing the notification to the injured employee.

Specific Authority 440.491(5), (6), (8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.006, Amended 3-1-05, _____.

6A-22.006 Screening Process.

(1) No change.

(2) The screening process shall consist of:

(a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and

(b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee's inability to obtain suitable gainful employment because of his injury; and

(c) An interview with the injured employee.

(d) A vocational assessment. The vocational assessment shall determine the relevance and weight of the following factors in the case: the permanent physical restrictions, if any, present in the case; the availability of employment with the employer at the time of the injury; the injured employee's transferable skills and the labor market; whether the injured employee conducted an unsuccessful job search, and the reasons the job search was unsuccessful; the injured employee's education and academic skills and vocational education; the injured employee's motivation; the injured employee's financial ability to complete training; and the availability of transportation to allow the injured employee to complete training. The vocational assessment shall determine whether the injured employee is ineligible to receive reemployment services, or is eligible to receive reemployment services. If the injured employee is eligible to receive services,

the vocational assessment shall determine which of the following shall be offered to the injured employee: placement, and/or on-the-job training, and/or an evaluation, and/or a re-training program costing less than \$2,500 and lasting six (6) months or less.

(e) A rehabilitation counselor or vocational evaluator providing vocational assessments shall:

1. conduct an initial interview with the injured employee;

2. submit to the Department within thirty (30) calendar days of the initial interview a written report which shall address each of the vocational assessment factors enumerated above and discuss how the provision of the recommended service(s) will facilitate reemployment;

3. conduct an exit interview with the injured employee;
and

4. submit to the Department within ten (10) days of submission of the written report a statement of acknowledgement of the vocational assessment signed by the injured employee and the rehabilitation counselor or vocational evaluator.

(3) through (4) No change.

(5) The Department may provide the following vocational assessment services as part of the screening process to determine eligibility: orientation, employability skills training, counseling, vocational testing, transferable skills analysis, labor market surveys, vocational assessment services, job analysis and evaluation.

(5) through (6) renumbered (6) through (7) No change.

(8)(7) Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation:

(a) If the injured employee has filed a claim for permanent total disability benefits under Section 440.15(1), F.S., which the carrier has denied, wherein either the injured employee's medical condition or vocational capabilities are in dispute, until such time as an Office of the Judge of Compensation Claims adjudicates the injured employee's claim; or

(a)(b) If the injured employee's medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or

(b)(e) If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least ninety (90) calendar days; or

(c)(d) If the injured employee refuses to accept reemployment services from the Department.

(9)(8) The Department shall not refer the injured employee for a vocational evaluation if the injured employee:

(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or

(b) Has no documented permanent physical restrictions related to the injury; or

(c) Has transferable skills which would allow return to work in suitable gainful employment; or

(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or

(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.009, Amended 5-5-04,_____.

6A-22.008 Reemployment Services and Programs.

(1) The Department shall approve sponsorship of reemployment services provided through an on-the-job training program, ~~vocational assessment~~, job placement or a training and education program when recommended in and approved as part of a Department reemployment plan.

(2) When the Department provides a vocational assessment or a vocational evaluation to the injured employee, the vocational assessment or vocational evaluation shall determine the reemployment services, such as are enumerated without limitation in Section 440.491(1)(f), Florida Statutes, necessary to return the injured employee to suitable gainful employment. The Department will approve and sponsor reemployment services if: The Department will approve and sponsor retraining services if:

(a) The vocational assessment is completed by a qualified rehabilitation counselor or the vocational evaluation is completed by a vocational evaluator approved by the Department, as the case may be; and The vocational evaluation is completed by a Department approved vocational evaluator, and

(b) The vocational assessment is compliant with paragraph 6A-22.006(2)(d), F.A.C., or The vocational evaluation contains the information identified in paragraph 6A-22.010(2)(e), F.A.C.; and

(c) The vocational evaluation contains the information identified in paragraph 6A-22.010(2)(e), F.A.C., and The vocational evaluation demonstrates that the injured employee:

(d) The vocational evaluation demonstrates that the injured employee:

1. Has no transferable skills which would allow for return to suitable gainful employment with the same employer in the same, different or modified job or a new employer in the same, modified or different job; or Has no transferable skills which would allow for return to suitable gainful employment with the same employer, same job; same employer, different or modified job; new employer, same job; new employer, modified or different job; or

2. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment.

(3) through (5) No change.

~~(6) The Department shall not sponsor reemployment services if the vocational evaluation does not recommend reemployment services.~~

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491 FS. History–New 7-1-96, Amended 2-9-00, 6-26-01, Formerly 38F-55.011, Amended 3-1-05,_____.

6A-22.009 Employee Responsibilities.

(1) No change.

(2) An employee who refuses retraining and education after the recommendation of a vocational evaluator and approval by the Department, will forfeit his or her entitlement to further training and education benefits, as well as additional payment for lost wages under Chapter 440, Florida Statutes. The following shall not be deemed a refusal of training and education:

(a) Failure to participate in a recommended retraining program due to medical instability; or

(b) Failure to participate in a recommended retraining program due to an adverse change in the employee’s medical status; or

(c) Failure to participate in a recommended retraining program due to the school’s failure to offer the approved program; or and

(d) Failure to participate in a recommended retraining program due to a family medical emergency.

Specific Authority 440.491(5), (6) FS. Law Implemented 44.491 FS. History–New 7-1-96, Amended 6-26-01, Formerly 38F-55.012, Amended 3-1-05,_____.

6A-22.010 Reporting Services and Costs: Qualified Rehabilitation Provider and Employer or Carrier Responsibilities.

(1) A qualified rehabilitation provider providing employer or carrier sponsored reemployment services shall:

1. Reemployment services as a result of a reemployment assessment, or

2. Three or more counseling sessions, or(a) Submit a properly completed individualized written rehabilitation program to the employer or carrier for approval within thirty (30) days of referral which specifies the recommended services and associated costs necessary to return the injured employee to suitable gainful employment, using terminology consistent with Department service code descriptions ~~to the employer or carrier for approval~~ when recommending:

- 3. A vocational evaluation, or
 - 4. A work evaluation, or
 - 5. Training and education, including on-the-job training,
- or
- 6. Placement services, or
 - 7. Changes to the initial individualized written rehabilitation program.

(b) Maintain a copy of the properly completed individualized written rehabilitation program in the injured employee's file.

(2) A certified vocational evaluator providing Department sponsored vocational evaluations shall:

(a) Ensure any test site used for Department sponsored vocational evaluations meets the definition of "test site" set forth in subsection 6A-22.001(13), F.A.C.; and

(b) Be responsible for the administration, scoring and interpretation of all testing instruments and work samples used as part of the vocational evaluation process; and

(c) Remove or cure conditions that invalidate test results; and

(d) Provide adaptive evaluation tools or techniques to accommodate any physical or functional disability or language barrier; and

(e) Conduct an initial interview with the injured employee.

~~(f)(e)~~ Submit to the Department, within thirty (30) calendar days of Department approval of services, a written report which shall:

1. Include an interpretation of testing instruments and work samples used, specifying the form and level of tests, percentile scores, norm groups, grade levels, standard scores and stanine scores as applicable to the test instrument; and

2. Identify the injured employee's physical and intellectual capabilities, aptitudes, achievements, work related behaviors, and interests. The interests of the injured employee alone cannot be the only basis for the vocational evaluator's recommendation; and

3. Identify residual or transferable skills; and

4. Identify the most appropriate vocational objectives; and

5. Identify which reemployment service(s) are necessary for the injured employee to return to suitable gainful employment; and

6. Discuss how the provision of the recommended service(s) will facilitate reemployment; and

7. When a retraining program is recommended, include the rationale for the recommended program, the entrance, enrollment and exit requirements of the program, the anticipated program costs and the proximity of the program to the injured employee's customary residence; and

8. Include an individualized labor market survey which supports the injured employee's ability to compete for employment in the identified vocational goal(s) and shall include information documenting:

a. The potential wage earning capacity,
 b. The physical demands of the identified vocational goal as identified by potential employers,

c. The minimum educational requirements and work experience required by potential employers, and

d. Each potential employer's job openings for the six (6) months prior to the survey and projected openings for the upcoming six (6) months.

(g) Conduct an exit interview with the injured employee.

~~(h)(f)~~ Submit to the Department, within ten (10) days of submission of the written report, the original receipt statement signed by the injured employee and the vocational evaluator.

(3) Any qualified rehabilitation provider providing any employer or carrier ~~or Department~~ sponsored reemployment services, reemployment assessments or medical care coordination shall submit with each DWC-21, which is incorporated by reference in Rule 6A-22.011, F.A.C., into this rule, a written report which reports services provided and expected outcomes, covering the following points:

(a) Summary by date of contacts with the injured employee and other pertinent parties; and

(b) Problems or issues adversely affecting the reemployment process and the corrective actions taken in that process; and

(c) Continuing feasibility of the reemployment plan; and

(d) Vocational activities planned for the subsequent month; and

(e) Justification for change or modification of current plan.

(4) through (5) No change.

(6) A qualified rehabilitation provider providing either employer or carrier ~~or Department~~ sponsored reemployment services, reemployment assessments, medical care coordination ~~and vocational evaluations~~, shall:

(a) Report on electronic form DWC-21 only those services provided by or through the authorized qualified rehabilitation provider. Services not rendered by or through the qualified rehabilitation provider may not be billed or reimbursed.

(b) Submit a properly completed electronic form DWC-21 listing the specific service(s) provided, utilizing only valid service codes and descriptors for those direct services rendered to the injured employee. Direct services are those services provided or required by an individualized written rehabilitation program. Other services are to be billed in the manner agreed upon by the employer or carrier and the qualified rehabilitation provider.

1. The initial electronic form DWC-21 shall be submitted to the Department within thirty (30) days of the contract approval date for Department sponsored services or to the employer or carrier within thirty (30) days of the date of the referral for employer or carrier sponsored services.

2. An interim electronic form DWC-21 shall be submitted at thirty (30) day intervals thereafter during which the authorized services are provided. The DWC-21 should not be filed if services are not provided within any thirty (30) day period.

3. A final electronic form DWC-21 shall be submitted within thirty (30) days of the date of the last service provided or according to the terms of a contract with the Department for vocational evaluation services.

(c) Close a file and submit a final electronic form DWC-21 when attorney involvement interferes with the provision of direct services.

(7) through (8) No change.

(9) The employer or carrier shall:

(a) Ensure that the information required in this rule is provided on the form DWC-21 prior to payment and filing of the electronic form DWC-21 with the Department, and

(b) Approve or deny the provision of services recommended as part of an individualized written rehabilitation program within fifteen (15) calendar days of receipt of the same; and pay or deny form DWC-21 bills within forty-five (45) calendar days after receipt of a bill for services provided to an injured employee, and

(c) Complete items 20, 21 and 23 on every electronic form DWC-21 filed with the Department. In item 20 it is necessary to ~~legibly~~ enter the date the form DWC-21 was received. In item 21 it is necessary to ~~legibly~~ enter the date the form DWC-21 was reimbursed. In item 23 it is necessary to enter the amount reimbursed only if it is different from the amount billed by the qualified rehabilitation provider or facility, and

(d) File electronic form DWC-21 with the Department of Education on the Department's website at <https://wc-returntowork-vr.doe.state.fl.us/rehabforms/> ~~at its office in Tallahassee, Florida,~~ within thirty (30) days after the full or partial payment of form DWC-21 ~~(A DWC-21 filed with the Department shall have a date stamp in the upper right hand corner indicating the date the DWC-21 is sent to the Department),~~ and

(e) Be responsible for the legibility, accuracy and completeness of the social security number, date of accident, the employer or carrier's and servicing company/TPA's Department of Insurance, Division of Workers' Compensation's assigned four digit carrier code number and Federal Employer Identification Number (FEIN), and those areas that the employer or carrier completes on form DWC-21.

(10) No change.

(11) An electronic form DWC-21 filed with the Department which is not completed according to these rules will be returned by the Department to the employer or carrier. Upon receipt of the returned form, the employer or carrier shall properly complete and re-file the form with the Department within fifteen (15) days.

(12) Form DWC-21 shall comply with the File Layout for Electronic Submission, Revision C Record Length: 1200 Header Record Layout for DWC-21 as incorporated by reference in Rule 6A-22.011, F.A.C. ~~is incorporated by reference in Rule 6A-22.011, F.A.C.~~

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.013, Amended 5-5-04,_____.

6A-22.011 List of Forms.

(1) Forms DWC-21, DWC-22, DWC-23, DWC-24, ~~and~~ DWC-96, File Layout for Electronic Submission, Revision A Record Length: 1000 Header Record Layout for DWC-22, and File Layout for Electronic Submission, Revision C Record Length: 1200 Header Record Layout for DWC-21 and accompanying instructions are incorporated by reference as part of this rule to become effective with the effective date of this rule April 2004. Each form shall be typed or legibly completed in order for the form to be considered properly filed or submitted with the Department.

(a) The carrier shall submit the form DWC-21 to the Department ~~reemployment services billing form shall be submitted to the Department on form DWC-21.~~

(b) Reemployment status review form shall be submitted to the Department on form DWC-22.

(c) Request for screening form shall be submitted to the Department on form DWC-23.

(d) Department and student agreement for sponsorship of training and education form shall be completed on form DWC-24.

(e) Qualified rehabilitation provider application shall be submitted to the Department on form DWC-96.

(2) A copy of the forms and accompanying instructions incorporated by subsection 6A-22.011(1), F.A.C., may be obtained from the Department of Education, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Forrest Building, Tallahassee, Florida 32399-0400. Copies are also available at the following Department web site: <http://www.rehabworks.org/index.cfm?fuseaction=Submain.WorkersComp> ~~<http://www.firn.edu/doe/rules/rules.htm>~~.

Specific Authority 440.491(5), (6), (7) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 6-26-01, Formerly 38F-55.014, Amended 5-5-04,_____.

6A-22.012 Expenditures from the Workers' Compensation Administrative Trust Fund.

(1) ~~Upon receipt of the completed evaluation report, The~~ Department shall authorize reimbursement for reemployment services received from qualified rehabilitation providers ~~the evaluation~~ from the Workers' Compensation Administration

Trust Fund at a maximum rate of \$55.00 per hour; The total reimbursement for an evaluation may not exceed \$1,100.00 per evaluation.

(2) through (8) No change.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 FS. History—New 7-1-96, Amended 12-2-98, 6-26-01, Formerly 38F-55.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Palmer, Director, Division of Vocational Rehabilitation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.002	Delegation of Authority
40D-1.1020	Timeframe for Providing Requested Information
40D-1.600	Permit Applications – Individual General and Noticed General Permits
40D-1.6051	Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action to approve certain Individual Environmental Resource and Water Use Permits and to revise the process for agency action to deny incomplete permit applications. Related rulemaking is also proposed for Chapters 40D-2, 40D-4 and 40D-40, F.A.C. The effect of this rulemaking will be to enable designated staff to take agency action on certain applications for Individual Water Use and Environmental Resource Permits unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments will also delegate to designated District staff authorization to issue notices of intent to deny permit applications that will become

final agency action unless the applicant, District Executive Director or a Governing Board member requests that agency action be taken by the Governing Board.

SUMMARY: Individual Water Use Permits and Individual Environmental Resource Permits are issued for projects having greater potential for impacts to the water resources. The current process requires that all Individual permits be scheduled for agency action at a Governing Board meeting. This approval step adds time and expense for applicants as well as costs for the District. Based upon a recent study of permitting practices, the District’s Office of Inspector General has recommended that the Governing Board delegate to designated staff authority to take agency action on routine, noncontroversial Individual permit applications under certain circumstances and that staff be delegated authority to initiate agency action on permit denials. Accordingly, amendments are proposed to Chapters 40D-1, 40D-2, 40D-4, and 40D-40, F.A.C., to implement a delegation process for agency action on certain Individual permits and for permit denials. Rule 40D-1.002, F.A.C., is amended to delegate to the Executive Director, Deputy Executive Director for Resource Regulation and the Regulation Department Directors the authority to issue selected Individual Water Use and Environmental Resource Permits. Rule 40D-1.600, F.A.C. is amended to state that Individual Permits may be issued by the Governing Board or staff. For those permits issuable by staff, upon request of the applicant, Executive Director or a Governing Board, the application may be referred to the Governing Board for agency action. Former Rule 40D-1.1020, F.A.C., is moved and renumbered as Rule 40D-1.6051, F.A.C., and is further amended to add a provision that if an application remains incomplete for more than 365 days and no further time extension will be granted, the application can be denied. Proposed denials will become final 21 days after notice unless the application is amended or withdrawn, a petition for hearing is filed, or a request is made to refer the application to the Governing Board.

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: 120.54(5), 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.219, 373.4135, 373.4136, 373.414 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 253.002, 373.083, 373.084, 373.085, 373.103, 373.116, 373.118, 373.119, 373.149, 373.171, 373.219, 373.223, 373.224, 373.226, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.416, 373.418, 373.426, 373.427 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.002 Delegation of Authority.

(1) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, ~~the Assistant Executive Director, the Deputy Executive Director for Resource Regulation, the Director of Technical Services and the Regulation Department Directors,~~ when an application to use sovereign submerged lands involves an activity which is concurrently reviewed with an Environmental Resource Permit that is issued by District staff pursuant to the general permit procedures of Chapters 40D-40 or 40D-400, F.A.C.

(2) through (3) No change.

(4) The Governing Board delegates to the Executive Director, the Deputy Executive Director for Resource Regulation, and the Regulation Department Directors the authority to issue Individual permits as provided in subsections 40D-2.041(2) and 40D-4.041(2), F.A.C., and the authority to deny an application for a permit issued pursuant to Part II or Part IV of Chapter 373, F.S., except in the following circumstances:

(a) The applicant, the Executive Director or a Governing Board member submits a timely written request to refer the application to the Governing Board for agency action and agency action will occur within the time limits set forth in Section 120.60, F.S., if applicable, unless waived in writing by the applicant; or

(b) Agency action on the permit application is required to be taken by the Governing Board pursuant to statute or District rule.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, ~~373.083~~, 373.103, ~~373.118~~, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History–New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08,_____.

40D-1.1020 Timeframe for Providing Requested Information.

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426 FS. History–New 7-2-98, Transferred to 40D-1.6051(1).

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

(1) Individual Permits are those permits not meeting the thresholds specified for General or Noticed General Permits or are defined in District rules as Individual Permits. Individual Permits are issued by the Governing Board or District staff as provided in subsections 40D-2.041(2) and 40D-4.041(2), F.A.C. For those Individual Permits that can be issued by staff, upon written request of the applicant, Executive Director or a Governing Board member, the application will be referred to the Governing Board for agency action at the next available Governing Board meeting, provided agency action will occur within the applicable time limits set forth in Section 120.60, F.S., unless waived in writing by the applicant.

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

(3)(2) Noticed General Permits are issued or denied by staff.

(4) When an Environmental Resource Permit application is concurrently reviewed with an application for a proprietary authorization to use sovereign submerged lands that is deemed to be of heightened public concern pursuant to subsection 18-21.0051(4), F.A.C., agency action on the permit application shall be taken by the Governing Board.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.118, F.S. History–New 10-1-84, Amended 12-22-94, 7-2-98, 9-26-02, 9-25-07,_____.

40D-1.6051 Timeframe for Providing Requested Information for Permit Applications and Denial of Incomplete Applications.

(1) Within 30 days after receipt of an application, the District shall notify the applicant if the application is incomplete and request the additional information required to make the application complete. If additional information is not supplied within 30 days after notice by the District, the application will be denied for lack of completeness. If the application is still incomplete after additional information is provided, the District shall so notify the applicant, who shall have an additional 30 days to render the application complete

or be denied for lack of completeness. Upon request by the applicant, an extension of time may be granted by the District staff upon a showing by the applicant that a good faith effort is being made to provide the additional information and the additional time is required. The District may, within 30 days after receiving information from the applicant, request only clarifications of the information or request answers to new questions raised or directly related to the information previously furnished. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, or if an application remains incomplete for more than 365 days and no further extension of time will be granted, District staff shall issue to the applicant a notice of proposed agency action to deny the permit application for lack of completeness. The proposed application denial shall become final 21 days after receipt of notice, as defined in subsection 40D-1.1010(1), F.A.C., or 14 days after receipt of notice for a consolidated application concurrently reviewed pursuant to Section 373.427, F.S., unless prior to that date: the application is amended as provided in subsection 40D-1.603(7), F.A.C.; the application is withdrawn; a petition for administrative hearing is filed; or a written request to refer the application to the Governing Board for agency action is submitted by the applicant, Executive Director or a Governing Board member.

Specific Authority 120.54(5), 373.044, 373.113, 373.118, 373.4135, 373.4136, 373.414 FS. Law Implemented 120.54(5), 120.60, 373.083, 373.084, 373.085, 373.116, 373.118, 373.119, 373.171, 373.229, 373.2295, 373.308, 373.309, 373.323, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.426, 373.427 FS. History--New 7-2-98, Formerly 40D-1.1020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to take agency action on certain applications for Individual Water Use Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes and Chapter 40D-4, F.A.C., concerning permitting of Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Water Use Permit applications unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also incorporate a revised Water Use Permit Information Manual Part B, "Basis of Review" which is being updated to reflect the changes being proposed in this rulemaking.

SUMMARY: As part of the District's ongoing efforts to improve permitting processes for applicants, amendments are proposed to delegate to staff authority to take agency action on certain Individual Water Use Permits. Rule 40D-2.041, F.A.C., is amended to provide that Individual Water Use Permits may be issued by the Governing Board or designated District staff. Governing Board approval will be required if the permit is for a combined annual average daily demand of 10 million gallons per day or greater, the permit is a new permit, the permit is a renewal or modification of a permit that increases the authorized withdrawal quantity or allows a change in water use of 100,000 gallons per day or more or 10% or more of the permitted withdrawal quantity, or the permit authorizes environmental augmentation. Rule 40D-2.091, F.A.C., is amended to incorporate a revised Water Use Permit Information Manual Part B, "Basis of Review," which is being revised to reflect the proposed amendments. BOR sections 1.6 and 4.3 are amended to reflect the changes in processing of Individual permits.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. Water Use Permits for a combined annual average daily water demand of 500,000 gpd or greater are issued as Individual Water Use Permits. Individual Water Use Permits are issued by the Governing Board or designated District staff. Individual Water Use Permits must receive approval from the Governing Board if any of the following applies:

1. The permit is for a combined annual average daily water demand of 10,000,000 gpd or greater;

2. The permit is a new permit;

3. The permit is a renewal or modification of an existing permit that increases the authorized withdrawal quantity by, or allows a change in water use of, 100,000 gpd or more, or 10% or more of the prior permitted withdrawal quantity; or

4. The permit authorizes environmental augmentation as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review.

(b) through (c) No change.

(3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-19-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08,_____.

40D-2.091 Publications Incorporated by Reference.

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

(1) Water Use Permit Information Manual Part B, “Basis of Review” (_____), and

(2) Part D, “Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area” (1/07).

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08,_____.

WUP BOR

1.6 APPLICATION REVIEW PROCESS

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

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

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 21 days of receipt of notice of the proposed agency action. Procedures for filing a petition for hearing are described in Chapter 120, F.S., and Chapter 28-106, F.A.C. If no petition for hearing is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations. For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 21 days of receipt of notice of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

Amended 1-1-07, 12-24-07, 12-30-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-4.021	Definitions
40D-4.041	Permits Required
40D-4.091	Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to delegate to District staff authorization to undertake agency action on certain applications for Individual Environmental Resource Permits. Related amendments are also proposed to Chapter 40D-1, F.A.C., concerning permitting processes, Chapter 40D-2, F.A.C., concerning the permitting process for Individual Water Use Permits and Chapter 40D-40, F.A.C., concerning incidental site activities permits applied for in conjunction with Individual Environmental Resource Permits. The effect of this rulemaking will be to enable designated staff to take agency action to approve certain Individual Environmental Resource Permits unless the applicant, District Executive Director or a Governing Board member requests that the permit application be referred to the Governing Board for agency action. Amendments also incorporate a revised Environmental Resource Permit Information Manual Part B, Basis of Review which is being updated to reflect the changes proposed in this rulemaking.

SUMMARY: As part of the District’s ongoing efforts to improve permitting processes for applicants, amendments are being proposed to delegate to staff authority to take agency action on certain Individual Environmental Resource Permits (ERPs). Rule 40D-4.021, F.A.C., is amended to indicate that the definition of an Individual or a General ERP does not depend upon whether it is issued by staff or the Governing Board. Rule 40D-4.041, F.A.C., is amended to specify that Individual ERPs may be issued by the Governing Board or staff. Governing Board approval would be required if the project area is greater than 500 acres, construction or alteration activities will occur in more than one acre of wetlands or other surface waters, or more than 9 new boat slips are proposed.

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

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.426, 373.427, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (8) No change.

(9) “General Permit” means a General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-40, F.A.C., ~~that may be issued by District staff.~~

(10) “Individual Permit” means an Individual Environmental Resource Permit, as described in Chapter 40D-4, F.A.C., ~~issued by the District Governing Board.~~

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.413 FS. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, 2-6-07, 1-8-08, 9-29-08,_____.

40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a) General permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects which have, either singularly or cumulatively, minimal environmental impact.

1. General permits are issued pursuant to Chapter 40D-40, F.A.C.

2. Noticed general permits are issued pursuant to Chapter 40D-400, F.A.C.

(b) Individual permits for construction, alteration, operation, removal or abandonment of surface water management systems for projects not meeting the criteria to

qualify for a general permit under Chapter 40D-40 or 40D-400, F.A.C., and for mitigation banks. Individual permits are issued by the Governing Board or designated District staff. Individual permits must receive approval of the Governing Board if any of the following applies:

1. The project area is greater than 500 acres;
2. Construction or alteration of a system, including dredging or filling will occur in, on or over a total of more than one acre of wetlands and other surface waters, not including ditches that were originally constructed in uplands or any wholly owned, isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required; or
3. The system includes more than nine proposed boat slips.

- (c) through (d) No change.
- (3) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History—Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1), (2), (4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01, 7-16-02, 9-26-02, 3-26-03, 1-8-08, 9-10-08, 9-29-08,_____.

40D-4.091 Publications and Agreements Incorporated by Reference.

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

(1) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, _____ June 22, 2008. This document is available from the District upon request.

- (2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.4135, 373.4136, 373.414, 373.4144, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

ERP BOR

CHAPTER ONE – INTRODUCTION

1.2 Application Review Process – The District issues three types of environmental resource permits as authorized by Part IV, Chapter 373, Florida Statutes: individual including conceptual, general and noticed general permits. Noticed general permits and general permits are issued by staff, while Governing Board action is required for individual permits are issued by staff or the Governing Board, as provided in paragraph 40D-4.041(2)(b), F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-40.302	Conditions for Issuance of General Permits

PURPOSE AND EFFECT: Rule 40D-40.302, F.A.C., is amended to state that, with respect to the related Individual Environmental Resource Permit application submitted with an application for a general incidental site activities permit, the Individual Environmental Resource Permit may be issued by District staff or the Governing Board. The purpose and effect of this amendment is to make the rule consistent with amendments concurrently proposed for Chapters 40D-1 and 40D-4, F.A.C., authorizing some Individual Environmental Resource Permits to be issued by District staff as well as the Governing Board.

SUMMARY: This amendment is an ancillary part of a rulemaking package that delegates to District staff authorization to take agency action on certain selected Individual Environmental Resource Permits. The additional conditions for issuance of an incidental site activities permit as set forth in Rule 40D-40.302, F.A.C., are amended to state that, with respect to the companion Individual permit, the incidental site activities permit can be issued when the Individual permit application is complete and the permit will be either issued by District staff or staff is recommending approval of the individual permit to the Governing Board.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.11, FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.302 Conditions for Issuance of General Permits.

(1) through (5) No change.

(6) Additional Conditions for an Incidental Site Activities Permit.

(a) Notwithstanding the threshold conditions of subsection (2), a permit shall be authorized for incidental site activities that are conducted in connection with a surface water management system proposed in an individual environmental resource permit application provided:

1. through 5. No change.

6. District staff has reviewed the individual environmental resource permit application, the application is complete and the permit will be issued by District staff or staff is recommending approval of the individual permit. For the purpose of this section, District staff is recommending approval of the individual permit when the Regulation Department Director has issued a letter informing the applicant that the application is complete and the staff will be recommending approval of the application to the Governing Board;

7. through 10. No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04, 2-1-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4651

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2009

LAND AND WATER ADJUDICATORY COMMISSION

Fleming Island Plantation Community Development District

RULE NO.: RULE TITLE:

42BB-1.002 Boundary

PURPOSE AND EFFECT: The petition, filed by the Fleming Island Plantation Community Development District, requests the Commission amend the boundaries of the district. The District currently covers approximately 1,580 acres of land located in Clay County, Florida. The petition proposes to delete

approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SUMMARY: The petition, filed by the Fleming Island Plantation Community Development District, requests the Commission amend the boundaries of the district. The District currently covers approximately 1,580 acres of land located in Clay County, Florida. The petition proposes to delete approximately 17 acres from the District. After contraction, the District will encompass a total of approximately 1,563 acres. A general location map is contained as Exhibit 1 to the petition depicting the existing District and the location of the parcels to be removed from the District. The Petitioner has obtained written consent to amend the boundary of the District from the owners of 100% of the real property located within the contraction parcels. The owners of land within the contraction parcels are the Clay County School Board, Centex Homes, and New Grace Church, Inc. The favorable action of the District Board of Supervisors constitutes consent for all other lands pursuant to Section 190.046(1)(e), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to amend the boundaries of the District. The complete text of the SERC is contained as Exhibit 8 to the petition. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the District, the State of Florida and its residents, Clay County and its residents, current

property owners of lands within the boundaries of the proposed District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Clay County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to Clay County to offset any costs it may incur. Adoption of the proposed rule to amend the boundaries of the District will not have any negative impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to amend the boundaries of the District will have no impact or a positive impact on small businesses. The petition to amend the boundaries of the District will not have an impact on small counties as Clay County is not a small county as defined by Section 120.52, F.S. Under section (e), no written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative has been submitted.

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: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: Thursday, March 12, 2009, 2:00 p.m. – 4:00 p.m.

PLACE: Room 2103, The Capitol, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. 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: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

FLEMING ISLAND PLANTATION COMMUNITY
DEVELOPMENT DISTRICT

42BB-1.002 Boundary.

The boundaries of the District are as follows:

LEGAL DESCRIPTION OF FLEMING ISLAND – “WEST”
PARCEL

A PART OF SECTIONS 4, 5, 6, 8, 9, 16, 17, AND ALSO A PART OF THE GEORGE FLEMING GRANT, SECTION 38, ALL LYING IN TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE CORNER COMMON TO SAID SECTIONS 5 AND 8 WITH SECTIONS 6 AND 7, SAID TOWNSHIP AND RANGE; THENCE SOUTH 06° 25' 27" WEST, ALONG THE LINE DIVIDING SAID SECTION 7 FROM SAID SECTION 8, A DISTANCE OF 2,029.71 FEET; THENCE NORTH 88° 34' 03" EAST A DISTANCE OF 1,519.07 FEET TO THE SOUTHWEST CORNER OF LANDS RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 1285, PAGE 079; RUN THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079; 1ST COURSE, NORTH 01° 25' 57" WEST, 1,200.00 FEET; 2ND COURSE, NORTH 67° 09' 17" EAST, 369.74 FEET; 3RD COURSE, NORTH 03° 05' 06" WEST, 100.0 FEET; 4TH COURSE, NORTH 56° 54' 54" EAST, 100.0 FEET; 5TH COURSE, NORTH 03° 05' 06" WEST, 150.0 FEET; 6TH COURSE, NORTH 63° 05' 06" WEST, 100.0 FEET; 7TH COURSE, NORTH 03° 05' 06" WEST, 200.0 FEET TO A POINT ON A CURVE; RUN THENCE IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN THE NORTH LINE OF LAST MENTIONED DEED, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 1,800.0 FEET, AN ARC DISTANCE OF 438.16 FEET TO THE NORTHEAST CORNER OF SAID DEED, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 80° 14' 19" EAST, 437.17 FEET; THENCE SOUTH 02° 43' 18" WEST, ALONG THE EASTERLY LINE OF A 66 FOOT UNRECORDED CLAY ELECTRIC EASEMENT, A DISTANCE OF 109.88 FEET; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 1,133.99 FEET; THENCE SOUTH 57° 35' 21" EAST, A DISTANCE OF 772.86 FEET; THENCE SOUTH 32° 24' 39" WEST, A DISTANCE OF 167.39 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY

DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 650.00 FEET, AN ARC DISTANCE OF 192.62 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 23° 55' 16" WEST, 191.92 FEET; THENCE SOUTH 15° 25' 53" WEST, A DISTANCE OF 85.40 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, AN ARC DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60° 25' 53" WEST, 42.43 FEET; THENCE NORTH 74° 34' 07" WEST, A DISTANCE OF 14.80 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 47.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 82° 17' 03" WEST, 46.99 FEET; THENCE SOUTH 90° 00' 00" WEST, A DISTANCE OF 1,537.64 FEET TO A POINT ON THE EAST LINE OF PREVIOUSLY MENTIONED OFFICIAL RECORDS BOOK 1285, PAGE 079; THENCE SOUTH 02° 43' 18" WEST, ALONG LAST SAID EAST DEED LINE, 1,018.40 FEET TO THE SOUTHEAST CORNER OF SAID DEED; THENCE SOUTH 88° 34' 03" WEST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079, A DISTANCE OF 139.42 FEET; THENCE SOUTH 06° 21' 04" WEST, 3,365.62 FEET; THENCE SOUTH 00° 31' 34" EAST, 1,154.82 FEET; THENCE SOUTH 38° 12' 02" EAST, 775.11 FEET; THENCE SOUTH 00° 00' 14" WEST, 828.48 FEET; THENCE SOUTH 58° 24' 54" EAST, 1,127.18 FEET; THENCE DUE SOUTH, 400.00 FEET; THENCE SOUTH 40° 48' 54" WEST, 893.07 FEET; THENCE SOUTH 05° 07' 41" EAST, 243.40 FEET; THENCE NORTH 35° 50' 56" EAST, 117.83 FEET; THENCE NORTH 43° 58' 16" EAST, 851.76 FEET; THENCE NORTH 85° 07' 48" EAST, 328.12 FEET; THENCE SOUTH 60° 31' 53" EAST, 523.89 FEET; THENCE SOUTH 21° 54' 37" WEST, 307.10 FEET; THENCE DUE SOUTH, 1,251.12 FEET; THENCE DUE WEST, 219.20 FEET; THENCE SOUTH 52° 37' 30" EAST, 3,778.12 FEET; THENCE NORTH 29° 27' 01" EAST, 392.64 FEET; THENCE NORTH 27° 02' 49" WEST, 937.20 FEET; THENCE NORTH 02° 51' 40" EAST, 414.11 FEET; THENCE NORTH 60° 07' 34" WEST, 489.56 FEET; THENCE NORTH 29° 52' 26" EAST, 522.13 FEET; THENCE SOUTH 60° 07' 34" EAST, 870.96 FEET; THENCE SOUTH 87° 08' 20" EAST, 200.00 FEET; THENCE NORTH 02° 51' 40" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17

STATE ROAD NO. 15 (A VARIABLE WIDTH RIGHT-OF-WAY), 651.23 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 63 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 2,718.29 FEET; THENCE NORTH 46° 57' 35" EAST, ALONG THE NORTHWESTERLY LINE OF SAID FLEMING ISLAND ESTATES AND ITS NORTHEASTERLY PROLONGATION, THE SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED GEORGE FLEMING GRANT, SECTION 38, A DISTANCE OF 2,191.22 FEET; THENCE SOUTH 89° 10' 36" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK "H", PAGE 242 AND DEED BOOK 38, PAGE 44, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 701.41 FEET; THENCE NORTH 00° 48' 52" WEST, ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 795.34 FEET; THENCE NORTH 89° 07' 16" EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG THE NORTHERLY LINE OF DEED BOOK 99, PAGE 268 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,579.58 FEET TO ITS INTERSECTION WITH SAID NORTHWESTERLY LINE OF THE GEORGE FLEMING GRANT, SECTION 8; THENCE NORTH 46° 57' 35" EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 115.13 FEET TO ITS INTERSECTION WITH THE AFOREMENTIONED WESTERLY RIGHTOFWAY LINE OF U.S. HIGHWAY NO. 17 – STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHTOFWAY LINE, 8,066.26 FEET; THENCE SOUTH 89° 33' 25" WEST, ALONG THE SOUTHERLY LINE OF OFFICIAL RECORDS VOLUME 122, PAGE 625 (PARCEL NO. 1) OF SAID PUBLIC RECORDS, A DISTANCE OF 823.19 FEET; THENCE SOUTH 01° 01' 47" EAST, A DISTANCE OF 541.27 FEET; THENCE SOUTH 25° 45' 22" WEST, A DISTANCE OF 550.74 FEET; THENCE SOUTH 40° 26' 26" WEST, A DISTANCE OF 184.87 FEET; THENCE SOUTH 10° 59' 12" WEST, A DISTANCE OF 385.85 FEET; THENCE SOUTH 49° 53' 10" WEST, A DISTANCE OF 227.28 FEET TO A POINT ON A CURVE; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,000.00 FEET, AN ARC DISTANCE OF 391.74 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 51° 20' 11" WEST, 389.24 FEET; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1,950.00 FEET, AN ARC DISTANCE OF 799.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC

BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 50° 48' 57" WEST, 793.72 FEET; THENCE NORTH 39° 04' 23" WEST, A DISTANCE OF 412.83 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 05° 55' 36" EAST, 42.43 FEET; THENCE NORTH 50° 55' 37" EAST, A DISTANCE OF 170.00 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 500.00 FEET, AN ARC DISTANCE OF 577.46 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 17° 50' 27" EAST, 545.90 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 450.00 FEET, AN ARC DISTANCE OF 660.72 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 26° 49' 04" EAST, 602.95 FEET; THENCE NORTH 68° 52' 51" EAST, A DISTANCE OF 200.56 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 375.00 FEET, AN ARC DISTANCE OF 217.32 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 52° 16' 44" EAST, 214.29 FEET; THENCE NORTH 89° 33' 25" EAST, 134.43 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN THE OFFICIAL RECORDS OF SAID COUNTY IN OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100; THENCE NORTH 00° 26' 35" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100, A DISTANCE OF ~~400~~300.00 FEET; THENCE ~~SOUTH~~ NORTH 89° 33' 25" WEST, 562.77 EAST, ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS AND ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 122, PAGE 625 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,588.98 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.17 FEET; THENCE SOUTH 89° 33' 25" WEST, 2,147.52 FEET; THENCE SOUTH 89° 28' 17" WEST, 1,887.61 1,935.17 FEET; THENCE SOUTH 00° 31' 43" EAST, 260.50 FEET; THENCE NORTH 89° 28' 17"

EAST, 233.91 FEET; THENCE SOUTH 00° 31' 43" EAST, 308.38 721.32 FEET; THENCE NORTH 61° 01' 58" EAST, 170.00 490.10 FEET; THENCE SOUTH 43° 54' 14" EAST, 496.66 FEET; THENCE SOUTH 50° 55' 37" WEST, 1,885.75 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD HARD ROAD (A VARIABLE WIDTH RIGHT OF WAY); THENCE NORTH 57° 35' 21" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OLD HARD ROAD, 710.85 FEET; TO A POINT OF CURVATURE; RUN 654.06 THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT OF WAY LINE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 260.00 FEET, AN ARC DISTANCE OF 174.99 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 38° 18' 30" WEST, 171.70 60° 51' 43" EAST, 56.79 FEET; THENCE NORTH 19° 01' 41" WEST, 1,730.58 CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, 430.06 FEET; THENCE SOUTH 89° 28' 17" WEST, 163.45 FEET; THENCE SOUTH 19° 01' 41" EAST, 1,153.59 FEET; THENCE SOUTH 89° 02' 15" WEST, 76.79 69.42 FEET; RUN THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EAST, SOUTH AND WEST LINES OF OFFICIAL RECORDS BOOK 1482, PAGE 0112: ~~0012~~: 1ST COURSE, SOUTH 19° 01' 41" EAST, 425.0 FEET; 2ND COURSE, SOUTH 89° 02' 15" WEST, 350.0 FEET; 3RD COURSE, NORTH 19° 01' 41" WEST, 425.00 FEET; THENCE SOUTH 89° 02' 15" WEST, 1,535.63 FEET; THENCE SOUTH 04° 09' 45" WEST, ALONG THE LINE DIVIDING AFOREMENTIONED SECTION 5 FROM AFOREMENTIONED SECTION 6, A DISTANCE OF 990.44 FEET; THENCE SOUTH 89° 17' 23" WEST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 3,296.55 FEET; THENCE SOUTH 63° 37' 27" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, THE SAME BEING THE SOUTHEASTERLY LINE OF THE E.A.. FERGUSON GRANT AND THE NORTHWESTERLY LINE OF AFOREMENTIONED SECTION 6, A DISTANCE OF 230.88 FEET; THENCE NORTH 89° 17' 23" EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506, A DISTANCE OF 3,496.12 FEET TO THE AFOREMENTIONED LINE DIVIDING SECTION 5 FROM SECTION 6; THENCE SOUTH 04° 09' 45" WEST, ALONG SAID DIVIDING LINE A DISTANCE OF 22.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 1,469.452 ACRES OR LESS.

ALSO, LEGAL DESCRIPTION OF FLEMING ISLAND – "EAST" PARCEL

CONTAINING 111 ACRES, MORE OR LESS. A PART OF THE GEORGE FLEMING GRANT, SECTION 38, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 61 OF THE PUBLIC RECORDS OF SAID COUNTY WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15 AS NOW ESTABLISHED BY THE STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY SECTION NO. 71020 2508 RIGHT-OF-WAY MAP; THENCE SOUTH 60° 31' 53" EAST, ALONG SAID SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET; THENCE SOUTH 29° 28' 07" WEST, ALONG THE NORTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE FROM THE AFOREMENTIONED POINT OF BEGINNING OF SAID PARCEL BEING DESCRIBED RUN SOUTH 02° 51' 40" WEST, ALONG THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15, A DISTANCE OF 1,134.95 FEET TO AN ANGLE POINT IN SAID EASTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 986.87 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 69, PAGE 35 OF SAID PUBLIC RECORDS, A DISTANCE OF 165.00 FEET; THENCE SOUTH 02° 54' 42" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 200.00 FEET; THENCE NORTH 87° 05' 18" WEST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 165.00 FEET TO THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 278.27 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 23,125.73 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A CHORD BEARING OF SOUTH 04° 09' 37" WEST AND A CHORD DISTANCE OF 1,007.86 FEET TO A POINT OF REVERSE CURVE, SAID CURVE BEING CONCAVE EASTERLY HAVING A RADIUS OF 22,996.74 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A CHORD BEARING OF SOUTH 04° 57' 41" WEST AND A CHORD DISTANCE OF 359.01 FEET TO THE POINT OF TANGENCY OF SAID

CURVE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 293.16 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARK, A DISTANCE OF 272 FEET, MORE OR LESS TO ITS INTERSECTION WITH THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. JOHNS RIVER; THENCE NORTHEASTERLY ALONG AND WITH SAID APPROXIMATE MEAN HIGH WATER LINE, A DISTANCE OF 3,800 FEET, MORE OR LESS TO ITS INTERSECTION WITH A LINE WHICH BEARS SOUTH 60° 31' 53" EAST FROM AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF THOSE AFOREMENTIONED LANDS AS RECORDED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 70 FEET, MORE OR LESS TO THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1196, PAGE 394 OF SAID CURRENT PUBLIC RECORDS, SAID CORNER LYING SOUTH 60° 31' 53" EAST, A DISTANCE OF 190.00 FEET FROM REFERENCE POINT "A"; THENCE SOUTH 29° 28' 07" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF LANDS, A DISTANCE OF 90.00 FEET; THENCE NORTH 29° 28' 07" EAST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE NORTH 29° 28' 07" EAST, ALONG THE AFOREMENTIONED NORTHWESTERLY LINE OF THOSE LANDS, A DISTANCE OF 100.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET TO THE POINT OF BEGINNING.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 2-28-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Saliba

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet sitting as the Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 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 ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-26.014
 RULE TITLE: Description of the Franklin County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.014, F.A.C., reestablishing the Coastal Construction Control Line for Dog Island, in Franklin County, to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and to ensure the preservation of public beach access.

SUMMARY: Contains the legal description of the Coastal Construction Control Line along Dog Island in Franklin County. Copies of the aerials showing the proposed line will be on display during regular office hours until the time of the public hearing at the following location: City Administrators Office, 1001 Gray Ave., Carrabelle.

The maps are also available on the Bureau's web site: <http://www.dep.state.fl.us/beaches/default.htm#HotTopics>.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The estimated annual cost to the Department for administration of the coastal construction control line program for the affected properties on Dog Island in Franklin County was calculated as \$4,200. One-time costs for rule promulgation; including staffing, professional fees, travel, and notices, inclusive, are estimated to be approximately \$354,300. Upon reestablishment of the Franklin County Coastal Construction Control Line, construction, excavation or alteration on an estimated 112 properties will be affected. However, it is estimated that only 81 properties will be subject to the requirements of Section 161.053, Florida Statutes and Chapter 62B-33, Florida Administrative Code. Developers of these properties will incur higher construction and regulatory costs and will benefit only as a member of the general public or if they intend to live in the constructed units. Owners of developed property will directly benefit through a lessened chance of damage to property and a lower probability of damage from adjacent properties. The general public will not bear direct costs and will receive certain benefits, including preservation of the beach dune system, less damage due to storm waves, and lower costs for disaster relief. This rule has no economic impact on those properties seaward of the existing Franklin County Coastal Construction Control Line,

as established in 1984. A copy of the Statement of Estimated Regulatory Cost may be obtained by contacting Rosaline Beckham at the information provided below.

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: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

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

DATE AND TIME: Tuesday, March 10, 2009, 6:00 p.m.

PLACE: City Meeting Room, 1001 Gray Ave., Carrabelle, FL
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosaline Beckham as referenced above

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-26.014 Description of the Franklin County Coastal Construction Control Line.

(1) There is hereby established, pursuant to section 161.053, Florida Statutes, the 2008 revised Dog Island portion of the Franklin County Coastal Construction Control Line. The legal description of said line is attached hereto.

(2) This rule shall take effect on the date of filing with the Florida Department of State; and the rule shall be recorded in the public records in the office of the Clerk of the Circuit Court, in and for Franklin County, Florida, together with each affected municipality.

(3) After this rule becomes effective, a permit, under Section 161.053, Florida Statutes, and Chapter 62B-33, Florida Administrative Code, to alter, excavate or construct on property seaward of the established control line is required from the Department of Environmental Protection.

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FRANKLIN COUNTY, FLORIDA

Description of the coastal construction control line is established in compliance with Section 161.053, Florida Statutes, said control line lying along the Gulf of Mexico coast

from the mean high water line of the southeasterly bank of West Pass, easterly to the mean high water line of the southerly bank of Ochlockonee Bay.

Said coastal construction control line is related to a series of "Permanent Reference Monuments" (P. R. M.) designated and hereinafter referred to as "49-80-A01 through 49-80-A17", "49-80-B01 through 49-80-B34", "49-80-C01 through 49-80-C16" and "49-80-D01 through 49-80-D21" for monuments established by the Department of Environmental Protection, State of Florida, or referenced to by station name for monuments established by the National Geodetic Survey (N. G. S.) or by the U.S. Corps of Engineers (U. S. C. E.).

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR SAINT GEORGE ISLAND, FRANKLIN COUNTY, FLORIDA

No change.

(Substantial rewording of Rule 62B-26.014, F.A.C., the Dog Island portion of the Franklin County Coastal Construction Control Line, as follows. See Florida Administrative Code for present text.)

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR DOG ISLAND, FRANKLIN COUNTY, FLORIDA

Description of the Coastal Construction Control Line (CCCL) is established in compliance with Section 161.053, Florida Statutes, said control line lying along the Gulf of Mexico coast from the mean high water line of the southeasterly bank of East Pass, easterly to the mean high water line of the southeast bank of Saint George Sound on Dog Island.

Said CCCL is related to a series of "Permanent Reference Monuments" (P.R.M.) designated and hereinafter referred to as "49-80-C01, 49-80-C10, 49-80-C13, and 49-80-C16" for monuments established by the Department of Environmental Protection, State of Florida, or referenced to by station name for monuments established by the National Geodetic Survey (N.G.S.). Said permanent reference monuments are established on the north zone of the State of Florida plane coordinate system. All stations in this description are based on North American 1983 Datum Adjustment of 1990.

The bearing base for this description is grid North, determined by Global Positioning (G.P.S.) Observations made at all Permanent Reference Monuments (P.R.M.).

Commence at P.R.M. 49-80-C01; thence N 81 deg. 05 min. 09 SEC. E a distance of 227.96 feet to the point of beginning; thence N 32 deg. 11 min. 26 sec. E to the point of intersection with the mean high water line of the southeasterly bank of East Pass. Said point being the northwesterly terminus of the coastal construction control line for Dog Island; thence return along the same course to the point of beginning.

Thence S 00 deg. 09 min. 30 sec. W a distance of 493.36 feet to a point; thence S 31 deg. 10 min. 27 sec. E a distance of 652.53 feet to a point; thence S 62 deg. 03 min. 08 sec. E a distance of 1022.52 feet to a point; thence S 74 deg. 16 min. 48

sec. E a distance of 475.83 feet to a point; thence N 46 deg. 36 min. 12 sec. E a distance of 1467.26 feet to a point; thence S 67 deg. 25 min. 30 sec. E a distance of 983.43 feet to a point; thence N 84 deg. 13 min. 52 sec. E a distance of 971.93 feet to a point; thence N 73 deg. 14 min. 24 sec. E a distance of 985.89 feet to a point; thence N 73 deg. 38 min. 43 sec. E a distance of 964.53 feet to a point; thence N 73 deg. 40 min. 37 sec. E a distance of 995.04 feet to a point; thence N 53 deg. 29 min. 19 sec. E a distance of 1035.05 feet to a point; thence N 76 deg. 29 min. 10 sec. E a distance of 1011.99 feet to a point; thence N 77 deg. 17 min. 44 sec. E a distance of 1020.56 feet to a point; thence N 76 deg. 46 min. 41 sec. E a distance of 992.14 feet to a point; thence N 76 deg. 59 min. 59 sec. E a distance of 900.63 feet to a point; thence N 71 deg. 13 min. 18 sec. E a distance of 1046.57 feet to a point; thence N 70 deg. 18 min. 32 sec. E a distance of 894.54 feet to a point;

Thence N 70 deg. 26 min. 28 sec. E a distance of 1013.12 feet to a point; thence N 70 deg. 12 min. 04 sec. E a distance of 892.01 feet to a point; thence N 79 deg. 11 min. 12 sec. E a distance of 993.94 feet to a point; thence N 72 deg. 51 min. 32 sec. E a distance of 963.30 feet to a point; thence N 64 deg. 01 min. 07 sec. E a distance of 1096.44 feet to a point; thence N 62 deg. 31 min. 01 sec. E a distance of 966.56 feet to a point; thence N 62 deg. 16 min. 43 sec. E a distance of 200.00 feet to a point;

Thence N 35 deg. 42 min. 49 sec. E a distance of 279.51 feet to a point; thence N 58 deg. 02 min. 10 sec. E a distance of 504.49 feet to a point; thence N 73 deg. 47 min. 00 sec. E a distance of 984.55 feet to a point; thence N 66 deg. 48 min. 37 sec. E a distance of 1034.30 feet to a point; said point being N 88 deg. 15 min. 48 sec. E a distance of 612.20 feet from P.R.M. 49-80-C10.

Thence N 65 deg. 18 min. 10 sec. E a distance of 983.20 feet to a point; thence N 72 deg. 00 min. 36 sec. E a distance of 1001.05 feet to a point; thence N 62 deg. 26 min. 21 sec. E a distance of 964.74 feet to a point; thence N 62 deg. 29 min. 47 sec. E a distance of 950.90 feet to a point; thence N 62 deg. 53 min. 26 sec. E a distance of 987.94 feet to a point; thence N 60 deg. 25 min. 23 sec. E a distance of 933.35 feet to a point; thence N 47 deg. 10 min. 53 sec. E a distance of 1100.32 feet to a point; said point being N 30 deg. 43 min. 35 sec. W a distance of 498.01 feet From P.R.M. 49-80-C13.

Thence N 39 deg. 25 min. 27 sec. E a distance of 933.73 feet to a point; thence N 39 deg. 58 min. 46 sec. E a distance of 504.89 feet to a point; thence N 39 deg. 17 min. 28 sec. E a distance of 920.15 feet to a point; thence N 57 deg. 56 min. 00 sec. E a distance of 980.91 feet to a point; thence N 21 deg. 02 min. 31 sec. E a distance of 953.79 feet to a point; thence N 13 deg. 06 min. 53 sec. E a distance of 916.73 feet to a point; thence N 02 deg. 20 min. 26 sec. E a distance of 802.90 feet to a point; thence N 03 deg. 25 min. 49 sec. W a distance of 1006.80 feet to a point; said point being N 39 deg. 58 min. 00 sec. W a distance of 333.47 feet from P.R.M. 49-80-C16.

Thence N 10 deg. 19 min. 03 sec. W a distance of 751.30 feet to a point; thence N 27 deg. 31 min. 26 sec. W to the point of intersection with the mean high water line of the south bank of Saint George Sound, said point being the northeasterly terminus of the 2008 revised coastal construction control line for Dog Island.

METES AND BOUNDS DESCRIPTION OF THE COASTAL CONSTRUCTION CONTROL LINE FOR ALLIGATOR POINT, FRANKLIN COUNTY, FLORIDA

No change.

Specific Authority 370.021(1) FS. Law Implemented 161.053 FS. History--New 4-30-84, Formerly 16B-26.14, 16B-26.014, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Water Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael Sole, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2009

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.012
 RULE TITLE: Application Forms

PURPOSE AND EFFECT: The Board proposes to incorporate an updated application form.

SUMMARY: An updated application form will be incorporated into the rule.

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

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

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, 1/09, DOH/MQA/PY APP/REV. 4/02, "Application for Psychologist Licensure," effective 1-23-09 ~~6-25-02~~, which is incorporated herein by reference and which may be obtained from the Board office or on the Board's website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (4) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b) FS. History--New 6-25-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 16, 2009

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-2.001
 RULE TITLE: Documentation for Licensure

PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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: 456.004, 456.013, 483.901(6)(b) FS.

LAW IMPLEMENTED: 456.013, 483.901(6)(b) 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: Vicki Grant, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-2.001 Documentation for Licensure.

Each applicant for licensure shall make application on incorporated by reference Form DH 1274 (effective 1/1/2009), Application for Licensure as a Medical Physicist, which is available from the department at www.FLHealthSource.com, or by calling (850)245-4910 hereby incorporated by reference, which is effective 6-10-99 and shall be provided by the Department. The following items must be submitted with each application:

- (1) One passport style photograph of applicant taken within the last six months;
- (2) Official documentation of board certification;
- (3) Licensure verification sent directly from the agency that issued the license; and
- (4) Proof of completion of a two (2) hour course relating to the prevention of medical errors pursuant to the requirements of Section 456.013, F.S.

Specific Authority 456.004, 456.013, 483.901(6)(b) FS. Law Implemented 456.013, 483.901(6)(b) FS. History—New 6-10-99, Amended 8-21-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-7.001 RULE TITLE: Application for Physicist-in-Training

PURPOSE AND EFFECT: To update and modify questions asked of the applicant in the licensure application.

SUMMARY: This rule updates the application questions effective January 2009 and advises where the application document may be found.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and documents that proposed changes to the form have no effect on the costs related to the application.

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: 483.901(6)(j) FS.

LAW IMPLEMENTED: 483.901(6)(j) 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: Vicki Grant, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B23-7.001 Application for Physicist-in-Training.

Each applicant for physicist-in-training must meet the following requirements:

- (1) Each applicant for physicist-in-training must fill out incorporated by reference Form #DH 1279, (effective 1/1/2009), Application for Certification as a Medical Physicist-in-Training, which is available from the department at www.FLHealthSource.com or by calling (850)245-4910, hereby incorporated by reference, effective 6-10-99, and provided by the Department and pay the fee specified in Rule 64B23-3.007, F.A.C.
- (2) through (3) No change.

Specific Authority 483.901(6)(j) FS. Law Implemented 483.901(6)(j) FS. History—New 6-10-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki Grant

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-2.004 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: To update and limit the length of time when a temporary certificate is in effect.

SUMMARY: The amendment to the rule clarifies that a person shall not be granted a temporary certificate more than one time.

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: 467.005 FS.

LAW IMPLEMENTED: 467.0125 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: Kaye Howerton, Executive Director, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-2.004 Licensure by Endorsement.

(1) through (2) No change.

(3)(a) No change.

(b) A temporary certificate issued under this section shall be valid only as long as an area for which it is issued remains an area of critical need, but no longer than 2 years. A temporary certificate is not renewable, nor shall a person be granted a temporary certificate more than once.

(c) No change.

Specific Authority 467.005 FS. Law Implemented 467.0125 FS. History—New 1-26-94, Formerly 61E8-2.004, 59DD-2.004, Amended 10-24-02, 2-7-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kaye Howerton

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D. M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 26, 2008

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-32.005 RULE TITLE: Application Procedures

PURPOSE AND EFFECT: Pursuant to Florida Statutes Chapter 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing. Revisions to the Rule are required to implement technical and clarifying changes.

SUMMARY: The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

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: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: March 9, 2009, 10:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Derek Helms, (850)488-4198. 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: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-32.005 Application Procedures.

(1) The Corporation hereby adopts and incorporates by reference the EHCL Program Application Package EA0703 (1/09) ~~(01/08)~~

(2) through (5) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 9I-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended 2-16-05, 1-26-06, 2-20-07, 1-17-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jody Bedgood, Program Manager, Elderly Housing Community Loan (EHCL) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1112

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Derek Helms, Program Administrator, Elderly Housing Community Loan (EHCL) Program, Florida

Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1218

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
12B-5.150 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. 51, December 19, 2008 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated January 16, 2009, Forms DR-166, DR-176, and DR-904 will be changed.

The provisions under the category "Are there additional fees?" on Page 2 of Form DR-166, Florida Pollutant Tax Application, has been changed as follows:

Are there additional fees?

Most applicants are required to post a bond. The bond shall equal three times the average monthly pollutants tax paid or due during the past 12 months, not to exceed \$100,000. If the three-month tax liability is less than \$50, we do not require a bond. New registrants should base their bond on a reasonable estimate. Certain Applicants who do not hold a valid motor fuel, diesel fuel, or aviation fuel tax license issued pursuant to Parts I, II, or III of Chapter 206, F.S., are required to undergo a background investigation. The Department's investigation verifies the information supplied by the applicant on the Florida Pollutant Tax Application and the Investigative Background questionnaire. The Department will also conduct an investigation on the local and national level for criminal and civil violations. A local and national fingerprint check will be conducted by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The cost will be billed to the applicant.

The statement under the category "Affidavit of Applicants(s)," on page 2, Form DR-176, Application for Air Carrier Fuel Tax License, has been changed as follows:

Affidavit of Applicant(s)

I, the undersigned individual(s), or if a corporation for itself, its officers, and directors, hereby swear or affirm under penalty of perjury as provided in Sections 659.791, 552.45, and 837.06, Florida Statutes, that I am duly authorized to make the foregoing application and hereby swear or affirm that the application and all attachments are true and correct representation(s) of the premises to be licensed. If licensed, I agree that the place of business may be inspected and searched, during business hours or at any time business is being conducted on the premises, without a search warrant by officials and agents of the Department of Revenue for the purposes of determining compliance with Chapter 206, F.S. the Florida fuel laws.

On page 3, Form DR-904, Pollutants Tax Return, the first line of the category "Filing Frequency" has been changed as follows:

Filing Frequency: Upon receiving a written request from the licensee, we will We may authorize:

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLES:
14-10.004 Permits
14-10.0043 Outdoor Advertising License and Permit Fees

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. 32, August 8, 2008 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE:

A public hearing was conducted on September 8, 2008, and a rule challenge was filed with the Division of Administrative Hearings on September 18, 2008 (DOAH Case Number 08-4572RP). The rule challenge case was closed on January 6, 2009. The fee structure as originally proposed is adjusted as shown in this change notice. Also, the form, which is incorporated by reference is revised to reflect the revised rates and the revision date of that form is changed to 02/09.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09 10/06, incorporated herein by reference, to the address listed in subsection 14-10.003(2). Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of (c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 02/09 10/06, must be