

## Section I

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

#### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: RULE NO.:

Ombudsman; Election Monitoring;

Monitor's Role; Scope and Extent 61B-23.00215

PURPOSE AND EFFECT: This rule amendment specifically permits the Office of the Ombudsman to issue an interim report prior to the actual election event recommending that an election be cancelled where the pre-election procedure was fatally flawed. The rule amendment will provide flexibility and will save associations the time and expense of waiting until the election has occurred to address fatal flaws in the process. The rule amendment also highlights the advisory role of the Office of the Ombudsman and clarifies that the Ombudsman properly observes the election, but does not affirmatively direct the operation of the election. This change is consistent with the recently issued opinion of the Attorney General (AGO 2005-53, Sept. 22, 2005) wherein it is concluded that the authority of the Office of the Ombudsman is primarily advisory in nature.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses the Office of the Ombudsman's role in the election monitoring process.

SPECIFIC AUTHORITY: 718.5012(9) FS.

LAW IMPLEMENTED: 718.1255, 718.5012(9) FS.

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

TIME AND DATE: 10:00 a.m., January 23, 2006

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting

Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. A copy of the preliminary text of the proposed rule amendment is available online at: <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Board of Professional Surveyors and Mappers**

RULE TITLE: RULE NO.:

Certificates of Authorization 61G17-7.003

PURPOSE AND EFFECT: The Board is amending Rule 61G17-7.003, F.A.C., to clarify when licensed surveyors and mappers must obtain certificates of authorization.

SUBJECT AREA TO BE ADDRESSED: Certificates of Authorization.

SPECIFIC AUTHORITY: 472.021 FS.

LAW IMPLEMENTED: 472.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

##### **Florida Real Estate Commission**

RULE TITLE: RULE NO.:

License Reactivation Education for  
Brokers and Sales Associates 61J2-3.010

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: License Reactivation Education for Brokers and Sales Associates.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) through (2) No change.

(3) A licensee may reactivate a license, which has been involuntarily inactive for 12 months but less than 24 months, by satisfactorily completing two different a 14-hour Commission-prescribed continuing education courses for each 2-year license period.

(4) through (5) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, 3-15-04, \_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Commission

RULE TITLE: Registration of Corporation

RULE NO.: 61J2-5.014

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Registration of a Corporation.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.227, 475.15, 475.17 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-5.014 Registration of Corporation.

Unless the Commission or BPR shall have information that the corporation has been in violation of Chapters 475 and 455, Florida Statutes, or the rules promulgated under said chapters, it will be assumed to be qualified for registration if its officers and directors are qualified and if the answers to questions in the application, or in supplemental inquiries, are satisfactory. Otherwise, investigation and other proceedings, as in cases of individual applicants, shall commence. No registration shall be granted or renewed for any corporation if it shall appear that the individual(s) having control of the corporation has been denied, revoked, or suspended and not reinstated, or if a person having control of the corporation has been convicted of a felony in any court and has not had civil rights restored for at least 5 years, or if an injunction has been entered against the individual for operating as a real estate licensee without a license. A person shall be deemed to be in control of a corporation where such person or spouse, children, or member of the household shall own or control, directly or indirectly, more than 40 percent of the voting stock of such corporation. No corporation shall operate as a real estate broker until they have received written notification from the Department that the corporation has been properly registered.

Specific Authority 475.05 FS. Law Implemented 455.227, 475.15, 475.17 FS. History—New 1-1-80, Amended 7-15-84, Formerly 21V-5.14, Amended 7-20-93, Formerly 21V-5.014, Amended \_\_\_\_\_.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Florida Real Estate Commission

RULE TITLE: Advertising

RULE NO.: 61J2-10.025

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 120.53 FS.

LAW IMPLEMENTED: 475.01, 475.25, 475.42, 475.421, 475.4511 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-10.025 Advertising.

(1) All advertising must be in a manner in which reasonable persons would know they are dealing with a real estate licensee. All real estate advertisements must include the licensed name and phone number of the brokerage firm. No real estate advertisement placed or caused to be placed by a licensee shall be fraudulent, false, deceptive or misleading.

(2) through (3)(b) No change.

Specific Authority 120.53, 475.05 FS. Law Implemented 475.01, 475.25, 475.42, 475.421, 475.4511 FS. History—New 1-1-80, Amended 2-17-81, 3-14-85, Formerly 21V-10.25, Amended 12-29-91, 7-20-93, Formerly 21V-10.025, Amended 4-18-99,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Definitions  
RULE NO.: 61J2-14.008

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-14.008 Definitions.

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

(2)(a) “Trust” or “escrow” account means an account in a bank or trust company, title company having trust powers, credit union, or a savings and loan association within the State of Florida. Only funds described in this rule shall be deposited in trust or escrow accounts. No personal funds of any licensee shall be deposited or intermingled with any funds being held in escrow, trust or on condition except as provided in subsection 61J2-14.010(2), F.A.C.

(b) When escrow funds are placed with a title company or an attorney the licensee shall indicate on the sales contract the name and address of said entity. The licensee shall obtain and retain written verification of said deposit upon delivery of the funds to the title company or attorney.

(3) No change.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(k) FS. History—New 1-1-80, Formerly 21V-14.08, Amended 10-13-88, 12-29-91, 7-20-93, Formerly 21V-14.008, Amended 7-5-95,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Notice of Noncompliance  
RULE NO.: 61J2-24.003

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Notice of Noncompliance.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.22(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE CHAPTER TITLE: Qualifications for Licensure  
RULE CHAPTER NO.: 64B3-5

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the clinical laboratory personnel profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Qualifications for clinical laboratory personnel licensure.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.809(2), 483.811(2), 483.812, 483.815, 483.823, 483.823(1), 483.824 FS.

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

TIME AND DATE: 2:00 p.m., January 26, 2006

PLACE: Florida Gulf Coast University, 10501 FGCU Street, Second Floor, Room 214, Ft. Myers, Florida

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Laboratory Personnel

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:  
Scope of Practice for Clinical                      64B3-10  
Laboratory Personnel

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the clinical laboratory personnel profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Scope of practice for licensed clinical laboratory personnel.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.835 FS.

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

TIME AND DATE: 2:00 p.m., January 26, 2006

PLACE: Florida Gulf Coast University, 10501 FGCU Street, Second Floor, Room 214, Ft. Myers, Florida

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. If you are hearing or speech

impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

#### DEPARTMENT OF HEALTH

##### Board of Clinical Laboratory Personnel

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:  
Continuing Education                      64B3-11

PURPOSE AND EFFECT: The Board proposes to review the entirety of this Chapter to ensure that all rules conform with existing statutory requirements and to determine if amendments and/or new rule language is necessary pertaining to all matters concerning the clinical laboratory personnel profession or other mandatory requisites, pursuant to Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Continuing education for clinical laboratory personnel.

SPECIFIC AUTHORITY: 456.013, 456.013(8), 456.013(9), 483.805(4), 483.807(1), 483.821, 483.823 FS.

LAW IMPLEMENTED: 456.013, 456.013(8), 456.013(9), 456.033(6), 483.807, 483.821, 483.823 FS.

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

TIME AND DATE: 2:00 p.m., January 26, 2006

PLACE: Florida Gulf Coast University, 10501 FGCU Street, Second Floor, Room 214, Ft. Myers, Florida

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH****Board of Opticianry**

RULE TITLE: RULE NO.:

Delinquent Status License Fee 64B12-11.0095

PURPOSE AND EFFECT: The Board proposed amending the rule to lower the fee for delinquent status licenses, in compliance with Section 456.036(7), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: \$150.00 delinquent status license fee.

SPECIFIC AUTHORITY: 456.036, 484.005 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED IN THE NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.0095 Delinquent Status License Fee.

The fee for a delinquent status license shall be \$150.00 ~~\$200.00~~.

Specific Authority 456.036, 484.005 FS. Law Implemented 456.036 FS. History—New 10-24-94, Formerly 59U-11.0095, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH****Board of Respiratory Care**

RULE TITLE: RULE NO.:

Procedures for Approval of Attendance at Continuing Education Courses 64B32-6.004

PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Procedures for approval of attendance at continuing education courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2006

PLACE: 4042 Bald Cypress Way, Third Floor, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. If you are hearing or speech

impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES****Economic Self-Sufficiency Program**

RULE TITLE: RULE NO.:

State Temporary Recovery Assistance Program 65A-4.2082

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-3 in effect without interruption for the provision of the State Temporary Recovery Assistance Program (STRAP) benefit to eligible families residing in Rural Areas of Critical Economic Concern. The State Temporary Recovery Assistance Program provides a non-recurrent cash assistance diversion payment of \$1,000 to meet the needs of families residing in Rural Areas of Critical Economic Concern (as defined in Section 288.0656(7), F.S.) that have experienced persistent adverse economic impact on their core industry(ies) as the result of natural phenomena and disaster. The areas must also have been federally declared as disaster areas two or more times in the past six months and be experiencing persistent adverse economic impact on their core industry(ies) as evidenced by increased unemployment claims, small business losses, and other adverse economic conditions resulting from natural phenomena and disaster.

SUBJECT AREA TO BE ADDRESSED: Specific provisions for STRAP include definitions; requirements related to application, eligibility, income and assets, residency, and verification; and the establishment of a non-recurring cash assistance payment of \$1,000. Also, forms for the program are incorporated by reference.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.16, 414.1559 FS.

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

TIME AND DATE: 10:30 a.m., January 25, 2006

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, FL 32399-0700, telephone (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-4.2082 State Temporary Recovery Assistance Program.

(1) Definitions:

(a) Application for STRAP means CF-ES Form 2351, Application for State Temporary Recovery Assistance Program (STRAP), Dec 2005, incorporated by reference.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for STRAP.

(c) Available Countable Income and Assets means only income and assets available to the family at the time of application based on the applicant's statement of circumstances.

(d) Designated Geographic Area means a county that has been:

1. Designated by the Governor as a Rural Area of Critical Economic Concern in accordance with Section 288.0656(7), F.S.;

2. Declared as a major federal disaster area two or more times within the past 6 months from the date the first disaster occurred; and is

3. Evidencing persistent adverse economic impact on its core industry(ies) as a result of natural phenomena and disasters evidenced by increased unemployment claims, small business losses, and other adverse economic conditions resulting from natural phenomena and disasters.

(2) Household Eligibility Requirements for STRAP. The family:

(a) Would most likely meet all requirements of eligibility for Temporary Cash Assistance in accordance with Section 414.095, F.S., except for income and assets. The household must contain an eligible adult household member and at least one minor related child.

(b) Must be a resident of the Designated Geographic Area at the time of application.

(c) Must apply for STRAP within 10 working days from the date of the first day the department declares the program will accept applications in a designated county(ies).

(d) Must be experiencing emergency situations caused by the disaster that are impeding their ability to obtain or maintain employment. It must be reasonably determined that short term assistance could meet their needs and enable them to achieve self-sufficiency and avoid the need for ongoing Temporary Cash Assistance (TCA). These situations include the need to:

1. Replace a loss or reduction in income;

2. Replace or repair housing or necessary items for the home or pay temporary shelter expenses;

3. Repair or replace self-employment property or equipment; or

4. Pay other expenses.

(e) Must have available income equal to or less than 200 percent of the federal poverty level for their household size.

(f) Must have available liquid assets equal to or less than \$2,000.

(g) Must meet the technical requirements of citizenship/ alien status set forth in Section 414.095(3), F.S., and the non-fleeing felon status set forth in Section 414.095(14)(g), F.S.

(h) Cannot receive STRAP more than once.

(i) Cannot be concurrently receiving TCA.

(j) Must sign an agreement, using CF-ES Form 2352, State Temporary Recovery Assistance Program (STRAP) Agreement, Dec 2005, incorporated by reference, not to apply for TCA for three consecutive months beginning with the month of receipt of the STRAP payment unless a demonstrated emergency occurs.

(3) Approval for Payment. Upon determination of eligibility, the household will be approved for the receipt of a nonrecurring payment of \$1,000.

(4) Current recipients of TCA may request closure of their ongoing TCA benefit and apply for STRAP without a separate application.

(5) For STRAP, the following verification procedures apply:

(a) Identity and residency in the disaster area will be verified through readily accessible documentation such as a driver's license, utility or other bill with the applicant's name and address, tax records or other government documents with the applicant's name and address if available, or a collateral contact verifying the applicant's identity and family's residence.

(b) Acceptance of the applicant(s) or assistance group statement, unless questionable, as to household composition, income, resources, citizenship, non-fleeing felon status, or other information pertinent to determining eligibility.

(c) Any applicant (including the designated or authorized representative) who intentionally does not tell the truth, hides information, pretends to be someone else, does not give all the information needed about themselves, the person(s) they are applying for, or other people in their home or does anything else unlawful in order to get state or federal public assistance benefits is guilty of a crime and will be punished as state or federal law allows as set forth in Section 414.39, F.S. and 45 CFR 235.110.

(6) Hardship Exceptions. Households that receive a STRAP payment cannot receive TCA benefits for three consecutive months beginning with the month of receipt of STRAP benefits unless a demonstrated emergency occurs. If the household applies for TCA within the three-month period, the household must demonstrate that an emergency necessitates a hardship exception to the policy. The following are allowable hardship exceptions to receiving TCA:

(a) A significant loss of income or employment;

(b) Loss of housing; or

(c) Other unforeseen emergencies.

(7) STRAP Repayment. Upon determination that the household meets a hardship exception, the department will complete the TCA eligibility determination and calculate the repayment amount of the STRAP payment. The STRAP repayment amount will be reduced by one-third for each month the family does not receive TCA (i.e., the month of receipt of the STRAP payment and subsequent months). The repayment amount will be prorated over the next eight months for which TCA is received.

(8) Effective Date. Implemented in Franklin County and Gulf County. STRAP may be implemented in other Designated Geographic Areas that meet the criteria in paragraph (1)(d) of this rule as determined by the department.

Specific Authority 414.45 FS. Law Implemented 414.16, 414.1599 FS. History—New.

## Section II Proposed Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### WATER MANAGEMENT DISTRICTS

#### Southwest Florida Water Management District

RULE TITLE: Minimum Flows

RULE NO.: 40D-8.041

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C. to establish minimum flows and levels for the upper Myakka River pursuant to Section 373.042, Florida Statutes (F.S.).

SUMMARY: The District has identified seasonal low, medium and high flow periods for the Myakka River. Short-term minimum flow compliance standards were developed for each of these periods using a "building block" approach. For the Myakka River, historic flows demonstrate that a Minimum Flow for the low flow period greater than 0 cubic feet per second (cfs) is inappropriate due to the historically ephemeral nature of the system. Therefore, the Minimum Low Flow for the low flow period (Block 1, April 20 through June 25) is the natural flow minus 15% at the Sarasota USGS Gage.

For the Minimum High Flow for the high flow period (Block 3, June 26 through October 26), is a stepped flow reduction of 16% and 7% of the historic flows, with the step occurring at the 15% exceedance flow (577 cfs) at the Sarasota USGS Gage.

For the medium flow period (October 27 to April 19) it was determined that changes in habitat availability for fish and macroinvertebrates determined the Minimum Medium Flow. The Minimum Medium Flow is established as the flow less 5% at the Sarasota USGS Gage.

Five and ten year means and medians are proposed as long-term compliance standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

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

(2)(3) No change.

(3) Minimum Flows for Myakka River

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the river are met.

(b) Minimum Flows for the Myakka River at the USGS Myakka River near Sarasota Gage USGS # 02298830 ("Sarasota Gage") are set forth in Table 8-10 below. The long-term compliance standards set forth in Table 8-B are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions. Minimum Flows for the Myakka River are both seasonal and flow dependent. Two standards are flow-based and applied continuously regardless of season. The first is a Minimum Low Flow threshold of 0 cfs at the Sarasota Gage. The second is a Minimum High Flow threshold of 577 cfs at the Sarasota Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block specific Minimum Flows. The Block 1 and Block 2 Minimum Flows are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. The Block 3 Minimum Flow is based on changes in the number of days of connection with floodplain features.