

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Robson, Director, Division of Marine Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.002
RULE TITLE: General Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt revisions to the Department's application form for licensing and registration of insurance agencies and to provide that applications are to be submitted electronically via the Department's website.

SUMMARY: The rule amendment adopts a revised application form for insurance agencies to file when applying for a license or registration from the Department. The rule also requires that applications be filled out and submitted to the Department through the Department's website.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost has been 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: 624.308, 626.161, 626.171, 626.172 FS.

LAW IMPLEMENTED: 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 FS.

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

DATE AND TIME: November 28, 2006, 1:00 p.m. – 3:00 p.m.
PLACE: Room 142, Larson Building, 200 E. 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: Hazel Muhammad, (850)413-5460. 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: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5460

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.002 General Procedures.

(1) through (11) No change.

(12) An applicant for an insurance agency license or registration shall complete and submit Form DFS-H2-495 296, "Application for Insurance Agency Licensure and Registration License," rev. 7/06 10/95. All applications shall be submitted through the Department's website at https://aalf.fldfs.com/common/com_index.asp.

(13) through (36) No change.

Specific Authority 624.308, 626.161, 626.171, 626.172 FS. Law Implemented 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 FS. History—New 6-4-92, Amended 5-17-94, 6-7-99, Formerly 4-211.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5B-62 Citrus Nursery Stock Certification Program

RULE NOS.: RULE TITLES:

5B-62.020 Retail Sales

5B-62.022 Requirements for Utility and Road Construction

5B-62.027 Exemptions

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. 32, No. 25, June 23, 2006, Florida Administrative Weekly.

5B-62.020 Retail Sales.

(3) All retail citrus trees must be tagged with information to identify the variety of the root stock and scion stock and producing nursery. Each individual tree shall be identified with a slip-on label displaying the following information: All retail citrus trees must be tagged with information to identify the variety of the root stock and scion stock and producing nursery.

(a) The producing nursery's certificate of nursery registration number that was issued by the Department. It is not necessary to include the name of the producing nursery on the label. Each individual tree shall be identified with a slip on label bearing the producing nursery's certificate of nursery registration number that was issued by the Department, variety names along with the month and year acquired. It is not necessary to include the name of the producing nursery on the label.

(b) The variety name, rootstock and month and year acquired.

5B-62.022 Requirements for Utility and Road Construction.

(1) Road construction companies and governmental agencies building public thoroughfares or road rights-of-way through or within a distance of 50 feet of a commercial citrus grove, commercial citrus grove site, approved citrus nursery site, or approved soil pit shall only use fill dirt that has been sampled by the Department and found free of nematodes injurious to citrus. Any person who installs service lines through or within a distance of 50 feet or less of a commercial citrus grove, commercial citrus grove site, approved citrus nursery site, or approved soil pit shall be required to contact the Department prior to installation and shall be required to clean and disinfect the service pole. All equipment used to install the service pole shall be disinfected using methods approved by the Department.

5B-62.027 Exemptions.

(1) and (3) No change.

(2) The Department will propagate and maintain pathogen-infected material for the purpose of testing or shoot-tip grafting. Such material will be kept in enclosed structures on department owned sites. Propagation of pathogen-infected material maintained in the proper enclosed structure for the purpose of testing or shoot tip grafting with the approval of the Department.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:

RULE TITLE:

6D-7.006

Pupil Progression Plan and
Requirements for Graduation

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. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly.

(1) Graduation and promotion requirements adopted by the Board of Trustees for the Florida School for the Deaf and the Blind pursuant to the provisions of Section 1003.49, Florida Statutes, are contained in the Florida School for the Deaf and the Blind Student Progression Plan, revised October 2006, June, 2006, which is hereby incorporated by this rule and made a part of the rules of the Board of Trustees.

(2) No change.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1003.49, 1002.36(4)(c) FS. History--New 2-17-81, Amended 9-17-85, 8-26-86, 4-12-90, 12-6-92, 3-16-98, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NO.:

RULE TITLE:

19-16.001

Florida Commission on Hurricane
Loss Projection Methodology

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 35, September 1, 2006, issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: RULE CHAPTER TITLE:

20-7

Dues Collection on Behalf of Certain
Not-for-profit Corporations

RULE NOS.:

RULE TITLES:

20-7.001

Purpose

20-7.002

Request Procedure and Conditions

20-7.003

Commission Consideration of

20-7.004

Properly Submitted Requests

Licensed Citrus Fruit Dealer

Collection and Remittance

Responsibilities

20-7.005

Fees and Other Related Costs

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. 32, No. 36, September 8, 2006 issue of the Florida Administrative Weekly.

20-7.001 Purpose.

Section 601.992, F.S., as amended by Chapter Law 2006-289, Laws of Florida, and signed by the governor on June 22, 2006, authorizes the Department to compel the entities regulated by the department to collect dues, contributions, or any other financial payments on behalf of certain specified not-for-profit corporations which are involved in citrus market news and citrus grower education. The purpose of this Rule (Chapter 20-7, F.A.C.) is to establish:

(1) The guidelines and conditions upon which a specified not-for-profit corporation may request the Department to consider an order ~~implement a mechanism~~ to require licensed citrus fruit dealers to collect such dues, contributions or other financial payments;

(2) A procedure for the remittance of such collected funds to a specified not-for-profit corporation; and

(3) A fee system to ensure that the Department recoups from any such not-for-profit corporation any direct costs incurred by the Department in implementing the dues collection contemplated hereunder.

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History—New _____.

20-7.002 Request Procedure and Conditions.

(1) Any not-for-profit corporation meeting the requirements of Section 601.992, F.S., may request the Department to consider the issuance of an order to require licensed citrus fruit dealers to collect and remit dues, contributions, or other financial payments on behalf of that corporation pursuant to this Chapter 20-7, F.A.C. Rule. Such request shall be initiated by the requesting corporation submitting a written request, which request shall be ~~executed sworn under oath and signed before a notary public~~ by the president of the corporation under penalty of perjury as outlined in Section 837.06, F.S., and shall contain affirmations and, where applicable, proof or descriptions, as to each of the following:

(a) The requesting corporation is an active, not-for-profit corporation organized in, and whose principle office is located in, the State of Florida and which corporation is registered with the Florida Department of State, Division of Corporations;

(b) The specific dues structure of the requesting corporation, including, but not limited to, a detailed statement of how dues, contributions, or other financial payments are calculated and assessed to members of the corporation, and which such dues, contributions, or other financial payments are requested to be collected under this Chapter 20-7, F.A.C. Rule;

(c) The specific mechanism/protocol for how licensed citrus fruit dealers are to collect and remit such dues, contributions, or other financial payments; ~~Such submission shall also include~~

(d) A detailed description of the mechanism for the requesting corporation to process any refund requests from its members or licensed citrus fruit dealers; ~~Such submission shall also include a draft of a proposed resolution, as outlined in subsection 20-7.003(2), F.A.C.~~

(~~e~~)(d) The specific reporting format requested of the licensed citrus fruit dealers and the specific mechanism for how adjustments by the corporation in such dues, contributions, or other financial payments are to be calculated, and how such adjustments shall be communicated to licensed citrus fruit dealers for collection, adjustment;

(f) A draft of a proposed order, as outlined in subsection 20-7.003(2), F.A.C.

(~~g~~)(e) a statement affirming that the requesting corporation is engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers;

(h)(f) A statement affirming that the requesting corporation has at least 5,000 members who are engaged in growing citrus in Florida for commercial sale;

(i)(g) A statement acknowledging that all activities undertaken by the Department pursuant to this Chapter 20-7, F.A.C. Rule, including, but not limited to, all submissions to the Department, are subject to Florida's Public Records and Government in the Sunshine Laws, as may be amended from time to time;

(j)(h) A statement acknowledging that, if the corporation's request is granted by the Department, then the corporation agrees to execute a contract, the duration of which shall not exceed five years, including a continuing indemnity agreement, in the form attached to this Chapter 20-7, F.A.C. Rule as Appendix A, Eff. 10-25-06, incorporated herein by reference;

(k)(i) A statement acknowledging that the Department is in no way an agent, for any purposes, of the requesting corporation, and in no way endorses the activities of the corporation; and

(l)(j) A statement acknowledging that, annually, the corporation shall pay to the Department a reasonable fee calculated by the Department to reimburse the Department for any and all direct costs (as defined in Rule 20-7.005, F.A.C.) attributable to such corporation's dues collection as implemented by this Chapter 20-7, F.A.C. Rule.

(2) Any such request must be accompanied by a non-refundable processing fee made payable to the Department in the amount to be determined pursuant to subsection 20-7.005, which fee is intended to pay for the direct administrative costs incurred by the Department associated with processing the requesting corporation's application.

Specific Authority 601.10(1), 601.992, 837.06 FS. Law Implemented 601.992 FS. History–New _____.

20-7.003 Commission Consideration of Properly Submitted Requests.

(1) Upon the Department's receipt of any request pursuant to this Chapter 20-7, F.A.C. Rule, the Department shall determine whether any such request meets the requirements of this Chapter 20-7, F.A.C. Rule. Any request meeting Chapter 20-7, F.A.C., this Rule's requirements shall be considered a properly submitted request and such properly submitted request, including all attachments thereto, shall be posted on the Department's website. Such properly submitted request shall be placed as an agenda item for consideration by the Florida Citrus Commission at a regularly scheduled Commission meeting occurring no sooner than 15 days, but no later than 90 days, after such website posting the Department's receipt of any properly submitted request. In deciding upon any such properly submitted request, the Commission may consider the following factors:

(a) The logistics and impacts of requiring licensed citrus fruit dealers to collect and remit the requested dues, contributions or other financial payments;

(b) Whether approval of the properly submitted request advances the purposes of The Florida Citrus Code, as may be amended from time to time;

(c) Public comments; and

(d) Recommendations by Department staff.

(2) If the Commission, by majority vote, approves the properly submitted request, then such approval shall be manifested in the form of a Commission Order Resolution issued pursuant to Section 601.10(1), F.S. The Order Resolution shall contain sufficient information, logistical and otherwise, to allow licensed citrus fruit dealers to collect dues, contributions, or any other financial payments on behalf of the corporation identified in the Order Resolution, and to remit those collected funds to said corporation.

(3) After issuance passage of the Order Resolution, the Department shall cause a contract, the duration of which shall be not greater than five years, but which shall be terminable by the Department without cause upon providing the requesting corporation 60 days written notice, and a continuing indemnity agreement in the form attached to this Chapter 20-7, F.A.C. Rule as Appendix A, Eff. 10-25-06, incorporated herein by reference to be presented to the requesting corporation identified in the Order Resolution. Each such contract shall include a requirement that the requesting corporation pay to the Department a fee equal to, but not exceeding, the amount necessary to ensure that any direct costs incurred by the Department in administering the contract are paid by the requesting corporation as calculated pursuant to section 20-7.005. Each such contract shall also include provisions to ensure that the requesting corporation continues to meet the requirements outlined in Section 601.992, F.S., and this

Chapter 20-7, F.A.C. Rule, throughout the term of said contract. If the requesting corporation and the Department have not mutually agreed to a contract and indemnification agreement, for submission to the Commission for approval, within 63 days of the date of the Commission Order Resolution, then the Order Resolution shall be of no force and effect, except that the Department's Executive Director or Secretary of the Commission may expand this 63-day time limit if, in their sound discretion, more time is needed to effectuate a contract consistent with the Order Resolution.

(4) Upon a majority vote of the Commission, any time limit herein may be expanded, condensed, or waived.

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History–New _____.

20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities.

(1) Upon the execution of a Commission-approved contract as contemplated by this Chapter 20-7, F.A.C. Rule, the Department shall cause a copy of the Order Resolution to be sent to each affected licensed citrus fruit dealer licensed by the Department. Pursuant to the terms of the Order Resolution, each affected licensed citrus fruit dealer shall collect the dues, contributions, or any other financial payments on behalf of the corporation named in the Order and shall remit such funds as outlined in the Order Resolution.

(2) Licensed citrus fruit dealers found by the Department to be in non-compliance with any Resolution duly-promulgated hereunder may be subject to disciplinary action of the Florida Department of Agriculture and Consumer Services, including, but not limited to, fines, license suspension or revocation as prescribed in Sections 601.67 and 601.68, F.S.

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History–New _____.

20-7.005 Fees and Other Related Costs.

(1) Within 60 days of the effective date of this Chapter 20, F.A.C. Rule, and prior to August 1 of each year thereafter, the Department shall calculate the direct costs incurred by the Department for (i) processing request(s) for dues collection, and (ii) contract administration.

(2) For the purposes of calculating such fees, the term "direct costs" shall mean any actual costs incurred by the Department, including, but not limited to, the pro-rated value of any portion of any and all employees' gross salary and benefits for any such employees' time spent on administration of the services contemplated hereunder and any fees, expenses or costs which the Department may pay to any licensed citrus fruit dealer for the dues collection and remittance contemplated herein. Such "direct costs" shall also include any portion of other Department expenses and/or overhead which may be reasonably allocated to the services contemplated hereunder.

(3) In no event shall the Department's calculation of fees hereunder result in the Department subsidizing any requesting corporation, nor shall any such calculation result in the Department levying a fee in gross excess of those direct costs incurred by the Department in administering the services contemplated hereunder.

(4) From the remittance payments outlined in subsection 20-7.003(2), F.A.C., a licensed citrus fruit dealer may withhold any actual costs reasonably incurred by the licensed citrus fruit dealer for the collection and remittance contemplated herein.

(5)(4) The processing request fee established annually hereunder shall govern all processing requests for dues collection filed in the subsequent fee year (August 1 – July 31).

(6)(5) The annual contract administration fee established hereunder shall be due as established by contract provision.

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-2	Water Use Permits
RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations From Use
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use-Caution Areas

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rules to be held:

DATE AND TIME: Governing Board meeting on November 30, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to clarify language and to revise and add new forms to the District's proposed rules to implement the regulatory portion of the recovery strategy for minimum flows and levels for certain water bodies within the Southern Water Use Caution Area that are being simultaneously proposed as amendments to Chapter 40D-8, F.A.C. The proposed rules were published in the Florida Administrative Weekly in Vol. 32, No. 19, on May 12, 2006 and in Vol. 32, No. 27, on July 7, 2006.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or (800)423-1476, extension 4658, TDD only number (800)231-6103.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-8	Water Levels and Rates of Flow
RULE NOS.:	RULE TITLES:
40D-8.041	Minimum Flows
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rules to be held:

DATE AND TIME: Governing Board meeting on November 30, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to the District's proposed rules for clarification and administrative implementation of minimum flows and levels for certain water bodies within the Southern Water Use Caution area. The proposed rules were published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-80	Recovery and Prevention Strategies for Minimum Flows and Levels
RULE NO.:	RULE TITLE:
40D-80.074	Recovery Strategy for the Southern Water Use Caution Area

NOTICE OF PUBLIC HEARING

The Southwest Florida Water Management District announces a public hearing on the above-referenced rule:

DATE AND TIME: Governing Board meeting on November 30, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion will be held regarding changes to the District's proposed rules for clarification and administrative implementation of minimum flows and levels for certain water bodies within the Southern Water Use Caution area. The proposed rule was published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651.

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008
 RULE TITLE: Permitted Medications for Horses

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rule Development for the above rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 43, October 27, 2006, issue of the Florida Administrative Weekly:

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: November 28, 2006, 10:00 a.m. – noon
 PLACE: North Broward Regional Service Center, 1400 West Commercial Blvd., Room 195, Ft. Lauderdale, Florida 33309

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
62-505	Small Community Wastewater Facilities Grants
RULE NOS.:	RULE TITLES:
62-505.100	Scope of the Rules
62-505.200	Definitions
62-505.300	General Program Information
62-505.350	Financially Disadvantaged Small Community Grant Funding
62-505.360	Rural Hardship Community Grant Funding
62-505.420	Project Allowances
62-505.600	Priority List Information
62-505.655	Ranking Projects for Priority List Development
62-505.680	Priority List Management
62-505.700	Planning, Design, Construction, and Post-construction Requirements
62-505.750	Environmental Review
62-505.800	Audit Required
62-505.850	Exceptions to Program Requirements

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. 32, No. 39, September 29, 2006 issue of the Florida Administrative Weekly.

Rule 62-505.750 was inadvertently left out of the list of the rules, but the text was included.

In addition, the public hearing before the Environmental Regulation Commission scheduled for October 5, 2006, has been postponed until December 5, 2006. It will still be held at the Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, starting at 9:00 a.m. The agenda will be posted for this hearing at the website www.dep.state.fl.us/legal/erc/default.htm.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-2.002	Definition of "Supervision" for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NOTICE OF CORRECTION

Notice is hereby given that the following corrections have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 32, No. 42, of the October 20, 2006, issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee. The correction is as follows:

The hearing information language "IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY." will be added to the notice and will be effective the date the Notice of Correction is published in the Florida Administrative Weekly in order to allow for any request for a workshop or hearing to be timely noticed.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-9.0075	Standards of Practice in Certain Office Settings

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. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. In subsection (3), the reference to Section 456.0375(3)(b), F.S., shall be changed to Section 400.9935(1).
2. The references to Section 456.0375, F.S., shall be deleted from the Specific Authority and Law Implemented citations.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.:	RULE TITLE:
64B15-19.009	Submission of Malpractice Record

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground
64E-2.004	Medical Direction
64E-2.005	Air Ambulances

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. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

64E-2.002(1) – After the words "available from the department", add "as defined by subsection 64E-2.001(8), F.A.C." 64E-2.003(1) – After the words "available from the department", add "as defined by subsection 64E-2.001(8), F.A.C." 64E-2.003(4) – In Table II, under medication, remove "Bolus maintenance infusion as appropriate" for item 5.

64E-2.003(4) – In Table II, under equipment, change effective date to "01/01/2008" for item (w).

64E-2.004(4)(j) Remove "Further, (s)he shall complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both."

64E-2.004(4)(k)6. Remove "Further, (s)he shall complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both."

64E-2.005 in Table IV, item 39. under equipment, change effective date to "01/01/2008".

64E-2.005 in Table IV, item 5. under medication, remove "Bolus maintenance infusion as appropriate"

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-58.002	Definitions
67-58.020	Credit Underwriting and Loan Procedures
67-58.040	Sale or Transfer of a Project
67-58.060	Loan Servicing

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. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly.

67-58.002 Definitions.

(1) through (15) No change.

(16) "Essential Services Personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services

personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S. For the purposes of CWHIP, Essential Services Personnel must meet the income requirements set forth in the definition of Workforce Housing as set forth in subsection 26 of this section.

(17) through (26) No change.

67-58.020 Credit Underwriting and Loan Procedures.

(1) through (11) No changes

(12) The debt service coverage for the CWHIP loan and all superior mortgages is as follows:

(a) A minimum of 1.0 when the CWHIP loan meets the criteria of paragraph 67-58.030(3)(a), F.A.C.;

(b) A minimum of 1.10 for CWHIP loans not eligible for forgiveness; and

(c) The maximum debt service coverage shall be 1.60 for all CWHIP loans. The minimum debt service coverage shall be 1.10 for the CWHIP loan, including all superior mortgages. The maximum debt service coverage shall be 1.60 for the CWHIP loan, including all superior mortgages.

(13) through (19) No change.

(20) The Credit Underwriter shall require an operating deficit guarantee to be released upon the following:

(a) For CWHIP loans which meet the criteria of paragraph 67-58.030(3)(a), F.A.C., achievement of a minimum debt service coverage ratio of 1.0 for a minimum of 6 consecutive months; and

(b) For CWHIP loans not eligible for forgiveness, achievement of a minimum debt service coverage ratio of 1.10 for a minimum of 6 consecutive months. The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of 6 consecutive months for the CWHIP loan and all superior mortgages.

(21) through (27) No change.

67-58.040 Sale or Transfer of a Project.

(1) No change.

(2) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter as satisfying the criteria stated in the Credit Underwriter's report; meeting the stated purposes of the Corporation; complying with all legal requirements of the Corporation; and subject to the approval by the Board.

67-58.060 Loan Servicing.

(1) through (4) No change.

(5) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Project other than a superior mortgage shall be subject to the Corporation's prior written approval. Such written approval shall be granted upon demonstration of compliance with the provisions of Rule 67-58.040, F.A.C.

(6) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE CHANGES TO THE PROPOSED RULE IS: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:

RULE TITLE:

69B-211.320

Curriculum Standards for Special Designation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 40, October 6, 2006 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:

RULE TITLE:

69O-170.017

Windstorm Mitigation Discounts

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. 32, No. 36, September 8, 2006 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Rule 69O-170.017 is changed to read as follows:

69O-170.017 Windstorm Mitigation ~~Shutter~~ Discounts.

(1)(a) This rule applies to all residential property insurance rate filings filed on or after January 1, 2007. All residential property insurers must make new filings by March 1, 2007, to reflect the requirements in this rule. For the purpose of determining appropriate discounts, credits, rate differentials, or reductions in deductibles for residential properties on which shutters or other wind mitigation devices or fixtures have been installed, pursuant to Section 627.0629(1), Florida Statutes, any rate filing which provides discounts, credits, rate differentials, or reductions in deductibles consistent with any statewide rating organization plan currently approved pursuant to Section 627.062, Florida Statutes, shall be considered in compliance with the applicable requirements of Section 627.0629(1), Florida Statutes.

(b) ~~A rate filing which does not provide at least the same level of discounts, credits, rate differentials, or reductions in deductibles as specified in such a plan will be disapproved, unless the insurer demonstrates that the discounts, credits, rate differentials, or reductions comply with the requirements of Sections 627.062 and 627.0629(1), Florida Statutes.~~

(2) Section 627.0629, F.S., states that discounts on an actuarially reasonable basis or appropriate reductions in deductibles must be provided in the rates for residential property insurance for fixtures or construction techniques, including minimum provisions of the Florida Building Code which have been demonstrated to reduce windstorm loss. The discounts must reflect the discounts as set forth in Form OIR-B1-1700, "Windstorm Mitigation Discounts; Non-Single Family Residences" (10-06) and Form OIR-B1-1699 "Windstorm Mitigation Discounts; Single Family Residences" (10-06), which are incorporated by reference, and which are based upon the studies *Development of Loss Relativities for Wind Resistive Features of Residential Structures* and *Development of Loss Relativities for Wind-Resistive Features of Residential Structures of Five or More Units*. These discounts must be used without any modification unless they are supported by detail alternate studies where all assumptions are available to the Office for review. These public domain studies providing data and information on estimated loss reduction for wind resistive building features in residences are incorporated by reference, and are available for downloading at the website of the Florida Department of Community Affairs, at <http://www.floridadisaster.org/brm/RCMP/Wind%20Loss/> and <http://www.floridadisaster.org/brm/RCMP/Wind%20Loss/index2.htm> respectively. The forms are available for downloading at the Office's website at www.floir.com. Any insurer that has implemented a residential property rate filing on or after July 1, 1994, that does not provide at least the level of discounts, credits, rate differentials, or reductions in deductibles provided for in an approved rating plan referenced in subsection (1) above, or otherwise comply with the requirements of Section 627.0629(1), Florida Statutes, shall make a shutter discount filing immediately.

(3) Filings can modify other rating factors to reflect revenue impact on current business only if they have actual information on policies receiving the discounts currently to support the modification. An insurer shall provide to residential property insurance policy applicants at the time of procurement of the policy application actual notice of the availability of discounts, credits, rate differentials, or reductions in deductibles, as well as all requirements that must be satisfied in order to qualify for such discounts, credits, rate differentials or reductions. For all residential property insurance policies in force on the effective date of this rule, an insurer shall, at the next renewal, provide such actual notice to the policyholder. After once providing such actual notice to a policyholder or policy applicant, an insurer shall not be required to again provide such notice at the time of renewal of the policy unless the insurer implements changes to its discounts, credits, rate differentials, reductions in deductibles, or requirements that must be satisfied to qualify for such discounts, credits, rate differentials, or reductions. Failure to provide such notice shall be considered a violation of Section 626.9541(1)(a)1., Florida Statutes.

Specific Authority ~~624.307(1),~~ 624.308(1) FS. Law Implemented 624.307(1), 627.062(1), (2)(b), (e), (f), (g), 627.0629(1) FS. History—New 4-1-98, Formerly 4-170.017, Amended _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

NOTICE IS HEREBY GIVEN that on October 10, 2006, South Florida Water Management District (District) received a petition for waiver from the Florida Department of Transportation, Application No. 06-1010-1M for utilization of Works or Lands of the District known as the C-111 Canal, Miami-Dade County for installation of center bent pilings associated with the temporary repair of the SR 5/US-1 bascule bridge within the C-111 right of way, Miami-Dade County, Section 16 and 17, Township 59 South, Range 39 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs horizontal clearance requirements for bridge center span within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th