

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
 5E-14.123 Examinations
PURPOSE AND EFFECT: To increase state certified operator exam fees to the cap of \$300.00 per pest control category.
SUBJECT AREA TO BE ADDRESSED: Pest Control Examinations.
SPECIFIC AUTHORITY: 482.051 FS.
LAW IMPLEMENTED: 482.141.(2) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: April 8, 2008, 9:00 a.m.
PLACE: George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399; (850)487-3731
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Michael J. Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:
 5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications
PURPOSE AND EFFECT: To increase the pest control business license fee to the cap of \$300.00.
SUBJECT AREA TO BE ADDRESSED: Pest control business license fees.
SPECIFIC AUTHORITY: 482.051 FS.
LAW IMPLEMENTED: 482.071(1), (2) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: April 8, 2008, 9:00 a.m.
PLACE: George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida 32399; (850)487-3731
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr.

Michael J. Page, Chief, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-40.003	Highway Landscape Projects
14-40.020	Grant Application Process
14-40.022	Florida Highway Beautification Council Grant Award Process
14-40.023	Funding, Construction, and Maintenance of Beautification Projects
14-40.030	Application and Permit Issuance

PURPOSE AND EFFECT: Rule Chapter 14-40, F.A.C., is being amended for clarification of language, including changing “vegetation management” zones to “view” zones, a term that is defined in Section 479.106, Florida Statutes. Also, revised figures 2 and 3 replace the existing figures 2 and 3, and a revised Application to Permit Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, is incorporated by reference. References to the Florida Highway Beautification Council are changed from “FHBC” to “Council.”
SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-40, F.A.C., is being amended and a revised application form is incorporated by reference.
SPECIFIC AUTHORITY: 334.044(2), 337.2505, 339.2405 FS.
LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-40.003 Highway Landscape Projects.

(1) Department Authorization Required. No landscaping may be altered, removed, or installed on the Department’s right of way by any person without written authorization by the Department pursuant to this Rule Chapter. All requirements for restoring the Department’s right of way and highway landscape projects, where such restoration is made necessary by the

construction or maintenance of utilities, are specified in the *Utility Accommodation Manual*, incorporated by reference under Rule 14-46.001, F.A.C. Requests to remove, cut, or trim, vegetation that screens outdoor advertising signs for which outdoor advertising sign permits have been issued pursuant to Chapter 479, F.S., must be made in accordance with Part III of this Rule Chapter.

(2) Definitions.

(a) "Abutting Private Property Owner" means any person or entity having lawful control of land which adjoins, or is contiguous to, Department non limited access right of way.

(b) "Department" means the Florida Department of Transportation.

(c) "Highway Landscape Project" means any planned or actual landscape or landscaping on Department right of way, including construction or installation, planning, beautification, and maintenance thereof, by a local government entity, non governmental entity, or abutting private property owner.

(d) "Landscape" or "Landscaping" means any vegetation, mulches, irrigation systems, and any site amenities, such as, street furniture, decorative paving, fences, and lighting (excluding public utility street and area lighting).

(e) "Local Governmental Entity" means as defined in Section 11.45(1)(e), F.S.

(f) "Non Governmental Entity" means any person or organization, other than a governmental entity, who seeks approval of a highway landscape project.

(g) "Screen" or "Screening" means the planting or installation of any vegetation or other landscape material which will reach a height greater than the height of the bottom of the lowest sign face, as viewed from a height of 3.5 feet above the roadway surface at the edge of the travel lane closest to the outdoor advertising sign.

(h) "View Zone" means as defined in Section 479.106(6), F.S.

(3) Approval Criteria.

(a) Approval is based on review of a complete set of landscape plans. The District Landscape Architect Manager can be consulted during preparation of landscape plans. The following plan preparation guidelines must be used:

1. Project data must be included on sheet 1 of the plans, and must include a location map with beginning and end of project mile posts, index of plans included in the set, state road number, local government and contact information, and name and address of the person and firm who prepared the plans.

2. Plans must be drawn to scale, exhibiting an accurate and legible representation of existing conditions (above and below ground), and all proposed work. Plans must show all dimensions necessary to demonstrate compliance with this rule. If there is a baseline survey or centerline of construction, station points must be used. If there is no baseline survey or centerline, dimensioning must be from a fixed point. All dimensions must be noted in English system measurements

(inches, feet, yards, miles, etc.). Plans must be drawn at no less than 100 scale (1 inch =100 feet) on 24 inch by 36 inch or smaller sheets (folded, not rolled). Computer generated plans must use 11 inch by 17 inch sheets. Plans must contain a graphic scale and north arrow with standard orientation on each plan sheet, and reference the state road number, section number, milepost, and local street names. Plans must also include curbs, edge of pavement, edge of travel lanes, guardrails, right of way fence and/or right of way lines, sidewalks, intersections, median breaks, driveways, bike lanes, transit facilities, surveying monuments, signs, ~~view~~ ~~vegetation~~ ~~management~~ zones of permitted outdoor advertising signs, lighting, traffic signals, other traffic control devices, drainage features, limits of clear sight, set backs and clear zone limits, existing off site features and conditions which affect or are affected by the project, easements, above and below ground utilities, and all existing vegetation. Details and text must be large enough to be legible on all plan sheets.

3. ~~Only B~~blackline, blueline, or xerographic reproductions will be accepted for the review process. Electronic files will be accepted when requested by the Department.

4. All proposed landscaping must be identified on the plans. For all plants, give the following information in tabular form:

Common Name
Botanical Name, including variety or cultivar
Quantity
Size when installed (height, caliper, spread, container size, clear trunk, multi-trunk, or any other descriptive aspect of the desired plants)
Maximum maintained or typical mature height, spread, and trunk diameter of normal mature plant specimens measured 6 inches above the ground.
Specifications (written and/or graphic)

5. The approval of landscape plans requires a work zone traffic control plan in accordance with FDOT Design Standard 600, and the Manual on Uniform Traffic Control Devices as incorporated by reference under Rule 14-15.010, F.A.C.

~~6.5. A comprehensive maintenance plan for all proposed landscaping must accompany the plans. This may be on a separate set of plans or documents. Special maintenance requirements for the plant establishment period must be noted. The intent of design elements, such as to screen a view, maintain a clear sight distance, or assist with water retention, must be included in a description of the project, accompanied by a written or graphic guide describing the performance requirements of the entity responsible for maintaining the project as to the maintenance which will be provided to the plants and other areas within the project limits. The maintenance plan must include requirements necessary to maintain and manage sight distance, horizontal and vertical clearance, accessibility, plant health, form, height and spread, mulch thickness and cover, edges, weeds and litter, irrigation~~

system(s), hardscape, lighting, benches, and site amenities, and any other requirements necessary for the design intent to be fulfilled. The maintenance plan must include a work zone traffic control plan, and define the limits of the mowing and litter control that will be performed as part of the landscape project. When the landscape project is to be maintained by the Department, a maintenance cost estimate based on anticipated scheduled maintenance activities must be an attachment to the plans. Maintenance details and specifications must include the following:

[Editorial Note: Delete entire table.]

Mowing schedule and height of grass, along with physical depiction of the limits of the mowing that will be performed as part of the landscape project.
Fertilizing schedules, formulas, rates, and methods of application.
Weeding/edging schedule and method: chemical, mechanical, or manual.
Herbicide schedules, formulas, rates, methods of application, special instructions, and precautions.
Pruning schedule and methods. In order to have safe, healthy, and aesthetic plants, and to maintain limits of clear sight, special attention must be given to changes in the schedule due to the maturity and size as trees and shrubs grow.
Mulch materials, thickness, and replacement frequency.
Irrigation schedule, supply source, and method of application.
Special care required for any hardscape materials, lighting, signage, benches, or other site amenities.
Litter pick-up and removal schedule (prior to mowing cycle or as needed).
A work zone traffic control plan (if necessary) for installation and maintenance of the project.
An estimate of manpower and equipment required to achieve an acceptable level of maintenance.

6. As built plans, or a summary of changes, are required for all landscape projects.

7. Plans prepared by or for Department highway landscape projects must be signed and sealed by a registered landscape architect.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, F.S. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the

date of the original, state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

1. Screening is prohibited within a view permitted vegetation management zone, as defined in paragraph 14-40.030(1)(d).

2. When a landscape project ~~Where there is no permitted vegetation management zone for an outdoor advertising sign, the landscape architect will notify the sign permittee that a highway landscape project is proposed within 1,000 feet approaching a permitted outdoor advertising sign which does not have an approved application for vegetation management, the landscape architect of record will notify the sign permittee at the address provided in accordance with subsection 14-10.011(2), F.A.C., that the view zone. The sign permittee has will have 30 days to submit an Application to Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 08/07, incorporated herein, in accordance with Part III of this rule chapter, that proposes the specific location of a view vegetation management zone (See Part III). The screening prohibition in 1. above will apply upon approval of the Permit for Vegetation Management at Outdoor Advertising Sign. If an aApplication for Vegetation Management is has not been submitted by the sign permittee within 30 days of notification, screening will be prohibited as described in paragraph 479.106(6)(b), F.S., wherever the sign face is not screened within the view zone, beginning at Terminus A and extending along the outside travel lane edge in advance of the sign until the sign face is not screened for a total of 500 feet. Contact information for any permitted sign may be obtained by contacting the State Outdoor Advertising Administrator, Florida Department of Transportation, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399-0450.~~

3. The limits of the screening prohibition may be adjusted pursuant to a written agreement between the sign permittee and a local governmental entity.

(c) A local governmental entity may request approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan. After review by the Department, and the making of any necessary revisions by the local governmental entity, the Department will prepare a written agreement requiring the local governmental entity to properly construct and maintain the landscape project. The landscape plan will become Exhibit A to the agreement. If separate, the maintenance plan as described in subparagraph ~~(3)(2)(a)6-7~~ will become Exhibit B of the agreement. When

the agreement is executed, and a Notice to Proceed is issued by the Department, the local governmental entity may proceed with the project.

(d) Non-governmental entities may seek approval to alter, remove, or install landscaping on the Department's right of way through submission of a landscape plan, and a resolution from the appropriate local government that commits the local government to execution of an agreement to properly construct and maintain the landscape project as described in paragraph (c) above.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 01/06, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. When public safety, operation of the transportation system, or the quality of the environment is jeopardized, the District Landscape Architect will require a Abutting private property owners to ~~must~~ submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 650-050-09 to the District Landscape ~~Architect Manager~~, Florida's Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, ~~telephone (954)975-4855~~. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) Government Approvals. If the proposed highway landscape project is to be located on an Interstate Highway facility, Federal Highway Administration (FHWA) review is required. Approval pursuant to this Part does not relieve the local governmental entity, non governmental entity, or abutting property owner of local or other jurisdictional requirements.

(5) Installation and Maintenance.

(a) All landscape installation or maintenance activities performed by a local governmental entity, non governmental entity, or abutting property owner on the Department's right of way must be performed in conformity with the *Manual on Uniform Traffic Control Devices* (incorporated by reference under Rule 14-15.010, F.A.C.), *Standard Specifications for Road and Bridge Construction*, (incorporated by reference and available at any Department Office or on the Department

website at: <http://www.dot.state.fl.us/officeofdesign/> ~~under Rule 14-85.004, F.A.C.~~), and the *Roadway and Traffic Design Standards* (incorporated by reference and available at any Department Office or on the Department website at: <http://www.dot.state.fl.us/officeofdesign/> ~~under Rule 14-85.004, F.A.C.~~).

(b) If an agreement exists between the Department and a local governmental entity for the maintenance of an existing median and grassed areas for the section of roadway for which a landscape project is proposed, and if the Department determines that such agreement obligates the local governmental entity to maintain the proposed project in accordance with the approved maintenance plan, the agreement will be applied to the maintenance of the landscape project. If the Department has previously agreed to provide funds for such maintenance, no increased compensation will be provided by the Department for maintenance of the landscape project.

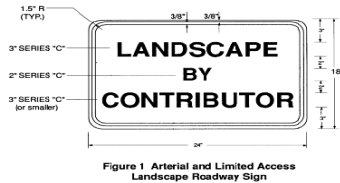
(6) As-built plans, or a summary of changes are required for all landscape projects, and must be submitted to the District Office within 30 days of the project completion.

~~(7)(6)~~ Donation of Landscape Projects. The Department will accept donations of plants, materials, installation, and maintenance for landscape projects on the State Highway System that meet the requirements of this rule. The donated landscape projects must substantially improve the appearance or manageability of the median or roadside. The agreement must stipulate that the sign and the landscape project may be removed by the Department for failure to meet the requirements of this Rule Chapter or the agreement. An agreement must be on file with the Department for the area in question before placement of the sign. Signs acknowledging donated landscape projects by an individual or entity may be erected on the right of way, when the donation includes installation and maintenance pursuant to an executed agreement. Such signs will remain in place for a term of five years, unless otherwise specified in the agreement. The sign must not contain commercial logos or trademarks. Signs will be placed at each end of the landscape project.

(a) Interstate Highways: The sign acknowledging donation of landscape projects on the Interstate Highway System will be provided by the Department. This sign will be similar to the Adopt-a-Highway Program sign used by the Department, except that the word "landscaping" will be substituted for the words "litter control" and the colors will be green lettering on white background. The signs shall be installed and maintained by the Department.

(b) Arterial Highways: The approved sign design for arterial highways is depicted in Figure 1. The sign panel will be 18 inches tall and 24 inches wide with white background and green lettering, using lettering shown in Figure 1 and fabricated with non-reflective materials. The sign must be mounted on 4 inch by 4 inch pressure treated posts, or break away posts that meet or exceed the requirements of the

Roadway and Traffic Design Standards (~~incorporated by reference under Rule 14-85.004, F.A.C.~~). The top of signs will be a maximum of no more than two feet above grade. Installation of signs is contingent upon an agreement with the appropriate local governmental entity. The approved sign panel(s) must be provided and replaced by the local governmental entity. Signs will be placed according to the approved landscape plan.



Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(26)(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History—New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05, 2-8-06.

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Application Process.

(1) Purpose. The Department may provide grant assistance for highway beautification projects in accordance with Section 339.2405, F.S., to a local governmental entity or a local highway beautification council.

(2)(1) Definitions.

(a) “Agreement” means the contract between the Applicant and the Department setting forth the terms of the grant.

(b) “Applicant” means a local governmental entity, as defined in Section 11.45(1)(d), F.S., or a local highway beautification council as established in accordance with Section 339.2405(9), F.S.

(c) “Council” means the Florida Highway Beautification Council.

(d)(e) “Department” means the Florida Department of Transportation.

(d) “FHBC” means the ~~Florida Highway Beautification Council.~~

(e) “Grant” means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

(f) “Grant Application” means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department Office or on the Department website at: www.dot.state.fl.us/emo.

(g) “Grant Coordinator” means the Department District employee responsible for the FHBC grant program.

(3)(2) Grant Application.

~~(a) Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant application, applicants should meet and work with the Grant Coordinator on or about July 1, to give adequate time for review and revisions before the October 1, application deadline.~~

(b) ~~Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous agreements.~~

(a)(e) Applicants must submit ~~grant requests on a completed~~ grant application to the Grant Coordinator having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in paragraph (f)(e) below.

(b) The grant application deadline is October 1 for the next fiscal year which begins on July 1. When preparing a grant application, applicants should meet and work with the Grant coordinator on beginning three months or more in advance of the deadline, to give adequate time for review and revisions. Any incomplete or late filed applications will not be accepted. Grant applications for highway beautification grants from the Council must be filed and processed in accordance with this rule chapter.

(c)(d) In order for the Council FHBC to consider a grant application for the following any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by October 1 ~~of the Department fiscal year~~. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the October 1 deadline.

~~(e)~~ In accordance with Section 215.01, F.S., the Department's fiscal year begins on July 1 and ends on June 30.

~~(d)(f)~~ Applicants may submit an unlimited number of grant applications, for any number of project sites. The Grant Coordinator will note on the application if the applicant previously received Council grants and if previous projects were maintained in accordance with the terms of prior agreements.

~~(e)(g)~~ The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such resolution must be included with the application.

(f) Applicants are encouraged to submit grant applications for projects supported with equal (50 percent) matching funds or in kind contributions from other sources. Design fees up to 10 percent of the grant amount may be considered towards the applicant's match.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03, 2-8-06,_____.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The Council shall meet semiannually, or more often if needed to consider all grant applications submitted by each Grant Coordinator.

~~(2)(h)~~ The Council FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The Council FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance and water conservation.
8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The Council FHBC will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.

2. Totaling all the attribute scores for a total application numerical score.

(c) Grant applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

~~(3)(z)~~ The Council FHBC will provide the Department Secretary with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 3-9-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03,_____.

14-40.023 Funding, Construction, and Maintenance of Beautification Projects.

(1) Award of Grants.

(a) The Secretary will award grants in the order they appear on the Council's prioritized list and in accordance with available funding. Each grant will be limited to a maximum of 10% of the total Department's beautification FHBC grants budget. ~~Applicants are encouraged to submit grant applications for projects supported with equal (50%) matching funds from other sources. Other match percentages will be considered.~~

(b) Official notice of each grant award will be made by the Department by certified mail to the applicant named in the grant application.

(c) To accept a grant, an applicant must send a letter of acceptance by certified mail to the Grant Coordinator within 15 days from the date of receipt of the offer of the award.

(d) Funds will be released by the Department when agreements are executed, the project is constructed as per plans approved by the Department (see Part I of this Rule Chapter), there is written final acceptance by the Department, and receipts for grant expenses are reviewed and approved by the Department.

(e) All funding of grants is contingent upon legislative appropriations.

(2) Execution of Agreements.

(a) Agreements associated with the grant must be executed within one year from date of the letter of acceptance, and meet the requirements of paragraph 14-40.003(3)(c), F.A.C. Failure to execute the required agreements will result in the grant award being withdrawn. Future grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two fiscal years.

(b) The agreement(s) between the applicant and the Department must state:

1. The intended use of the grant, as described in the grant application.

2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).

3. Any actions which the Department will take in the event of noncompliance by the applicant.

4. The methods to be used by the Department to determine compliance with the terms of the agreement.

(c) The individual(s) who sign the agreements on behalf of the grant applicant, or the grant applicant's designee, shall certify that the project is implemented as specified in the agreements, and shall provide a certification of completion before the final invoices are submitted for the project.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 3-20-03, Amended 8-10-03, _____.

PART III VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING SIGNS

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without Department approval of an Application to obtain a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 08/07 07/97, (Application) which is incorporated herein by reference, pursuant to this Rule Chapter. For purposes of this rule, the use application of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. Department approval is A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, the Application for Vegetation Management at Outdoor Advertising Sign may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. This rule does not apply to requests to trim or remove vegetation that screens on-premise signs.

(b) An Application for Vegetation Management at Outdoor Advertising Sign must be submitted by the outdoor advertising sign permit holder. A separate Application is required for each sign facing. The vegetation management plan and appraisal, described in paragraph (c), shall both be prepared by a qualified individual. Qualified individuals shall be one of the following: 1. a An International Society of Arboriculture (ISA) Certified Arborist® with Advanced Training in Roadside Vegetation, or an individual with equivalent credentials from a nationally recognized arboricultural organization, or a 2. A landscape architect registered pursuant to Chapter 481, Part II, F.S.

(c) The Application shall contain:

1. The name, address, telephone number, facsimile number, and E-Mail address if available, of the applicant; the Department's current outdoor advertising sign tag number; the sign permit holder's sign face number; and the notarized signature of the applicant's authorized representative.

2. The applicant's vegetation management plan (plan)-~~The plan~~ shall be for a period of not less than two years and not greater than five years. The plan shall include a plan for removing vegetation within the view vegetation management zone, cutting (removing or altering more than one quarter of any plant's height, spread, or density of branches), or trimming (the shaping or pruning of less than one quarter of any plant's height, spread, or density of branches). The ~~vegetation management~~ plan shall be a graphic and written document that describes the removal, cutting, trimming, planting, fertilizing, mulching, irrigation, and desired condition and appearance of existing and proposed vegetation, including a plan for disposal of debris, and a schedule and description of the intended vegetation management method(s) ~~within the vegetation management zone~~. All vegetation management proposed in the plan shall be in accordance with this rule and Rule 14-40.003, F.A.C. A vegetation management plan will not be required for applications submitted exclusively to establish the location of a view zone or to cut, trim, or remove vegetation that would be removed as part of the Department's routine maintenance.

3. Color photographs of the sign and entire view zone taken within six weeks prior to the application being made to the Department. The photographs and accompanying drawings must depict a clear representative overview of the vegetation to be removed, cut, or trimmed.

4. A photocopy of the qualifying credentials of the person preparing the vegetation management plan, and appraisal for mitigation, if mitigation is required. If herbicides will be used, the application must include a photocopy of the applicator's license in three categories (core curriculum, right of way, and aquatic) by the Florida Department of Agriculture and Consumer Services.

5. An itemized appraisal of the mitigation value of vegetation to be removed, cut, or trimmed, if mitigation is required.

6. A non-refundable application fee of \$25.00. The non-refundable Application fee shall be a total of \$200.00 for more than eight applications submitted simultaneously, providing that they are within the same Department District. If payment is by check, the fee submitted with an Application for Vegetation Management at Outdoor Advertising Sign must be paid separately from fees for other types of permits. ~~The approved application, including any conditions stated therein, and the approved vegetation management plan, shall become part of the permit. The permit, issued by the Department, shall allow vegetation management within the vegetation management zone for the duration of the approved vegetation management plan. After approval, the permittee must give the~~

Local Maintenance Engineer a minimum of two working days notification prior to all permitted vegetation management activity on the Department's right of way, unless otherwise stipulated as a special provision of the permit.

(d) ~~An approved Application will serve as a permit, and Permit for Vegetation Management at Outdoor Advertising Sign authorizes the permittee to remove, cut, or trim trees, shrubs, or herbaceous plants only as provided in the approved plan permit, and only within an approved view vegetation management zone, which will be determined as follows:~~

1. ~~The approved view vegetation management zone shall meet the requirements of Subsection 479.107(6)(b), F.S. be based on a continuous or cumulative 500-foot linear distance along the edge of the travel lane within the 1,000-foot linear view zone (as described below), all within the Department's right of way (see Figures 2 and 3).~~

2. A sign facing shall have only one view zone, and only within the Department's right of way of the roadway to which the sign is permitted.

a. The view zone for a right-view sign (see Figure 2) is a ~~four sided nearly triangular area with the critical dimensions of 350 feet for posted speed limits of 35 miles per hour or less, or 500 feet for posted speed limits over 35 miles per hour measured along the right edge of the nearest travel lane on the same side of the highway to which the sign is permitted, which has:~~

~~(I) Terminus A, the point on the edge of the travel lane immediately opposite the edge of the outdoor advertising sign face closest to the highway;~~

~~(II) As terminus B, the point measured along the edge of pavement 1,000 feet in the direction from which the sign is viewed; and~~

~~(III) As a terminus C, the point on the edge of the sign face which is furthest from the road.~~

b. ~~The view zone for a left-view sign (see Figure 3) is a four sided area with the critical dimension of 350 feet for posted speed limits of 35 miles per hour or less or 500 feet for posted speed limits over 35 miles per hour is shall be measured as above, except that terminus A and terminus B shall be measured along the left edge of the nearest travel lane on the other side of the highway centerline.~~

[Editorial Note: New Figures 2 and 3 replace the existing Figures 2 and 3 in the Florida Administrative Code.]

c. ~~Areas within (The median area will be included in an approved for vegetation management zone only for left-read signs legally erected before January 19, 1999, and only as necessary to maintain the view of that sign across the median as it existed before January 19, 1999. Vegetation within the pre-existing view zone that could not be managed prior to the adoption of this rule may be managed to restore visibility in accordance with this rule.~~

~~(e) An Application will not be approved No Permit for Vegetation Management at Outdoor Advertising Sign will be issued:~~

1. For applications that are incomplete;

2. For vegetation control to enhance the view of an outdoor advertising sign which does not have a currently valid state permit.

3. For mowing (nonselective mechanical or chemical control of vegetation) of grass or other vegetation. Mechanical mowing, to a minimum height of 6 inches, will be permitted when no other means of vegetation management is practicable to control vegetation that screens or is likely to screen a sign face.

4. To make a sign visible for more than ~~the distance allowed by Section 479.106(6), F.S. 500 feet within a view zone.~~

5. To remove, cut, or trim, vegetation that has established historic, cultural, economic, environmental, or aesthetic significance. Such vegetation would:

a. Form an important part of the setting or landscaping for an historic structure;

b. Possess historic significance through a direct association with an event or person important in history;

c. Contribute strongly to the historic character as well as visual appeal of an historic structure or district;

d. Screen historic structures or residential property from traffic congestion;

e. Serve as memorials;

f. Be directly descended from historically significant trees or plants;

g. Be listed on the National Register of Historic Places, the State Register of Historic Sites, or local historical registries;

h. Be the only vegetation in the immediate vicinity, such that removal would leave the area barren of any substantial trees;

i. Have reached an age, size, or shape that it is known to be a local landmark; or

j. Be in the immediate vicinity of a roadway that has been lined with trees for a lengthy period of time where removal of such vegetation would significantly diminish the "tree lined" character of the roadway;

6. To remove, cut, or trim, trees, shrubs, or herbaceous plants that are protected by state law.

~~7. To remove, cut, or trim trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), F.S.~~

~~7.8. To remove, cut, or trim trees, shrubs, or herbaceous plants, when the Department has determined that the proposed vegetation management will significantly disrupt natural systems, roadside aesthetics, or have other negative impacts on the operation of the highway.~~

~~8.9.~~ To create a new view zone by removing, cutting, or trimming existing vegetation for any sign originally permitted after July 1, 1996, unless the applicant removes at least two approximate comparable size nonconforming signs under valid permits issued pursuant to Section 479.07, F.S., and surrender the permits to the Department.

~~9.10.~~ To remove, cut, or trim trees that have a circumference, measured at 42 feet above grade, equal to or greater than 70% of the circumference of the Florida Champion of the same species as listed in the Big Trees, The Florida Register, Florida Native Plant Society, 1997, which is incorporated herein by reference, and available at many public libraries in Florida, and at on-line bookstores.

~~10.11.~~ To remove, cut, or trim trees, shrubs, or herbaceous plants in violation of provisions of Section 479.106(5), F.S. This applies to vegetation that is part of a beautification project, when the project was approved prior to the permitting of any sign originally permitted after July 1, 1996. For the purpose of this rule, beautification projects include landscape projects, mitigation projects, and restoration projects. For the purpose of this rule, a beautification project is approved when it is specifically identified in the Department's five-year work program, or is a permitted landscape project, or is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

(f) Applications will be reviewed and approved or denied within 90 days of receipt of a completed application. The Department will notify the applicant of any apparent errors or omissions and request any additional information within 30 days of the receipt of an application. When an application is denied, no application fee will be charged for a revised application submitted within 90 days after the date shown on the notice of denial.

(g) An approved Application (permit) is Permit for Vegetation Management at Outdoor Advertising Sign is valid for the term of the proposed vegetation management plan (two to five years), as represented in on the plan unless Application of Vegetation Management at Outdoor Advertising Sign and the permit. ~~(The Department establishes a different will determine the expiration date on the of any pPermit for Vegetation Management at Outdoor Advertising Sign,~~ based on the safety of all users of the Department's right of way, and the need to avoid conflict with other permitted activities on the Department's right of way, or changes in roadside conditions.

(h) After approval, the permittee must give the Local Maintenance Engineer a minimum of two working days notification prior to all permitted vegetation management activity on the Department's right of way, unless a different time period is listed as a special condition of the permit.

~~(i)(h)~~ Permit holders are responsible to track the expiration date of the permit. When a pPermit has expired for over 30 calendar days, changes are proposed, or previous permit conditions were not met, for Vegetation Management at Outdoor Advertising Sign expires, a new permit may be requested by submitting a new complete Application ~~for Vegetation Management at Outdoor Advertising Sign in accordance with this rule. When a permit is about to expire, or has expired within 30 calendar days of an application for a new permit at the same location, the conditions of the previous permit have been met, and there are no proposed changes to the previously approved vegetation plan; only the following will be required from the applicant:~~

1. Cover letter to the District Maintenance Engineer in the Department District Office where existing permit was secured. The cover letter must include a statement that the applicant will adhere to the conditions of the original permit and vegetation management plan.

2. Completed application.

3. Copy of the previous application that shows the District's approval.

4. Application fee.

~~(i) A permit placard (FDOT Form 650-050-08) must be displayed within the vegetation management zone in clear view from the main traveled way when vegetation management is in progress.~~

(2) Vegetation Management on the Right of Way.

(a) A copy of the entire approved Application and vegetation management plan must be on site and available for review by the Department when vegetation management is in progress.

~~(b)(a)~~ All work performed pursuant to a Permit for Vegetation Management at Outdoor Advertising Sign shall follow the approved vegetation management plan.

~~(c)(b)~~ Chemical control of vegetation is limited to the use of United States Environmental Protection Agency approved selective herbicides. Foliar application of herbicides is limited to the control of invasive exotic plants.

~~(d)(e)~~ Within 10 working days after completion of the removal, cutting, or trimming of vegetation, a qualified individual, as described in paragraph (1)(b) above, must inspect the view vegetation management zone and adjoining right of way, and submit written notification to the District Maintenance Engineer or designee that the work is complete. The correspondence must indicate the extent and nature of any unauthorized removal, cutting, or trimming.

(3) Mitigation. An applicant shall mitigate in accordance with this Rule Chapter for the impact to vegetation from removal, cutting, trimming, or accidental damage of vegetation on the Department's right of way.

(a) Mitigation is required:

1. Where cutting or trimming of, or damage to vegetation permanently detracts from the appearance or health of trees (including palm trees), shrubs, or herbaceous plants, or where cutting and trimming of trees or shrubs is not done in accordance with the standards set forth in the following documents: American National Standards Institute Tree Shrub and Other Woody Plant Maintenance-Standard Practices, 1995, and Fertilization, 1998, Publication #A300 (Part 2), and Tree-Pruning Guidelines authored and published by the International Society of Arboriculture, 1995, which are hereby incorporated by reference. Copies of these publications are available for purchase from the International Society of Arboriculture, Post Office Box GG, Savoy, Illinois 61874-9902, phone 217-355-9411, FAX 217-355-9516, or on the Internet at www.flaisa.org. This requirement does not apply to the cutting or trimming of, or damage to invasive exotic plants (plants listed by the Florida Department of Environmental Protection Rule Chapter, 62C-52, Aquatic Plant Importation, Transportation, Non-Nursery Cultivation, Possession, and Collection, and plants listed by the Florida Department of Agriculture and Consumer Services, Rule Chapter 5B-57, Introduction or Release of Plant Pests, Noxious Weeds, Arthropods, and Biological Control Agents, or other plant species determined by the Department to be a nuisance to natural habitats or agriculture, or to have an adverse effect on the maintenance or safety of the Department's right of way).

2. Where trees taller than the surrounding shrubs and herbaceous plants are permanently damaged or removed.

3. Where trees or shrubs of a species that are not likely to grow to interfere with the visibility of displays are damaged or removed.

4. Where trees or shrubs of a species that are likely to grow to interfere with the visibility of displays are trimmed improperly, permanently damaged, or removed.

5. Where herbaceous plants are permanently damaged.

(b) Where mitigation is necessary, the applicant will provide with the Application for Vegetation Management an appraisal prepared by a qualified individual as defined in paragraph (1)(b) using the appropriate appraisal method found in Determining the Mitigation Value of Roadside Vegetation, Florida Chapter of the International Society of Arboriculture, 2000, which is incorporated herein by reference. Copies of this document can be obtained by contacting the International Society of Arboriculture as listed in subparagraph (3)(a)1., above. Pending approval by the Department, the appraised value of the vegetation to be cut and removed will be the required mitigation. Approval is based on completeness and accuracy of mitigation calculations.

1. The mitigation may be paid as a fee (Option 1) equal to the amount of the mitigation appraisal prepared in accordance with paragraph (b) of this rule. Mitigation fees must be paid to

the Department prior to approval of an Application issuance of a Permit for Vegetation Management at Outdoor Advertising Sign.

2. The permittee may design and build a mitigation project equal to the appraised value, at an approved location within the right of way (Option 2). Applicants must contact the District Landscape ~~Architect~~ Manager when preparing to develop a mitigation plan. For mitigation projects, the applicant must submit a mitigation plan which, in addition to the requirements of this rule, meets the requirements for landscape plans in Rule 14-40.003, F.A.C., to the Department for approval. Mitigation projects must be designed to avoid additional maintenance costs by the Department. The mitigation plan shall include a landscape plan, maintenance plan (including watering for establishment for a period of one year from the date of planting), and an estimated budget of all expenses to install, establish, and maintain the replacement vegetation. The value of the completed mitigation project must be equal to or greater than the appraised value of the cut and removed vegetation. When a mitigation project does not meet the required mitigation value, the balance is due to the Department as a mitigation fee. When the mitigation plan is approved, the applicant may proceed to construct the mitigation project. Failure to complete the mitigation project within six months after the vegetation is cut or removed will result in a penalty for unauthorized removal, cutting, or trimming as described in subsection (4) of this rule. The permittee is required, at the permittee's expense, to remove and replace any mitigation materials that have not survived in a healthy condition for the first full year after planting. The replacement materials shall be of like size and variety as the replaced material, or may be other material proposed by the permittee, and determined by the Department, to be more likely to survive. If the mitigation project is not restored to meet the permit requirements, the permittee is subject to enforcement of required mitigation and the penalty for unauthorized removal, cutting, or trimming.

(c) Mitigation is not required when trimming maintains a plant's natural habit of growth, and is performed in accordance with professionally accepted arboricultural standards, cited in the documents previously referenced in subparagraph (3)(a)1. of this rule. Young trees (immature trees that are no taller than the surrounding shrubs and herbaceous plants) of species that upon their maturity are likely to interfere with the visibility of displays may be removed without mitigation. Invasive exotic plants may be removed without mitigation. Where the Department has determined that vegetation is diseased, or structurally damaged through no fault of the applicant, beyond a point where restoration is practicable, the vegetation may be removed without mitigation.

(d) Special Conditions Affecting Mitigation. The following additional provisions apply only to vegetation management pursuant to a permit issued under this rule:

1. Mitigation is not required for vegetation that the Department normally cuts or removes pursuant to its regular maintenance of the Department’s right of way.

2. Mitigation is not required for vegetation when the Department’s roadway plans explicitly show that the vegetation will be removed as part of the clearing and grubbing for a construction project designed and included in the Department’s five-year work program.

3. Mitigation is not required for vegetation that was installed within the approved view zone after July 1, 1996, so long as the sign was permitted prior to the installation of the vegetation.

(4) Unauthorized Removal, Cutting, or Trimming of Vegetation. Any person engaged in unauthorized removal, cutting, or trimming of vegetation in violation of Section 479.106, F.S., or who benefits from such action, is subject to a penalty of \$1,000 per incident per sign facing and shall provide mitigation as required by subsection (3). For purposes of this subsection, the application of any chemical compound that kills or injures a tree, shrub, or herbaceous plant constitutes removal, cutting, or trimming.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(26)(25), 335.167, 337.405, 479.106 FS. History—New 1-19-99, Amended 2-7-02, 2-8-06, _____.

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

Suwannee River Water Management District

RULE NO.: 40B-2.305 RULE TITLE: Requirements for Issuance of Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-2, Florida Administrative Code, to modernize the existing rule language and incorporate a Water Use Permitting Guide by reference. The effect of the rule development will be to provide for a more efficient water use program by bringing the rule up to date.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will modernize the existing rule language and incorporate a Water Use Permitting Guide by reference to provide for a more efficient water use program.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.226, 373.227, 373.250 FS.

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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.3020 RULE TITLE: Content of Works of the District Development Permit Applications

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, based on review of a proposed Application for General Works of the District Development Permit by Joint Administrative Procedures Committee. The effect of the proposed rule amendments will be to provide for more efficient processing of applications by ensuring better comprehension of the subject rules.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will codify an additional criterion for content for Application for General Works of the District Development Permit, and will provide for more efficient processing of applications by ensuring better comprehension of the subject rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.084, 363.085, 373.086 FS.

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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-3.035
 RULE TITLE: Agreements

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the amended water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health-Marion County Health Department.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would incorporate by reference the District's amended water well permitting delegation agreement with the Florida Department of Health-Marion County Health Department allowing for regulation of the construction, repair, and abandonment of water wells unless these wells are in a Chapter 62-524, F.A.C., delineated area.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (15) No change.

(16) An agreement between Florida Department of Health-Marion County Health Department and St. Johns River Water Management District entitled Amended Water Well Permitting Delegation Agreement dated (effective date) ~~May 18, 2006~~.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035. Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-06-01, 6-25-02, 7-24-02, 1-11-06, 5-18-06, 5-24-07, _____.

LAND AND WATER ADJUDICATORY COMMISSION

Palm Coast Park Community Development District

RULE NO.: 42AAA-1.002
 RULE TITLE: Boundary

PURPOSE AND EFFECT: The Petition was filed by the Palm Coast Park Community Development District. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to contract approximately 59 acres from the District located entirely within the City of Palm Coast and Flagler County, Florida. The District currently covers approximately 4,778 acres of land and after amendment the District will encompass approximately 4,719 acres.

SUBJECT AREA TO BE ADDRESSED: To contract approximately 59 acres from the Palm Coast Park Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 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: Thursday, April 10, 2008, 2:00 p.m.

PLACE: The Capitol, Room 2103, 400 South Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Chiumento III or James Wolverton, Chiumento and Guntharp, P.A., 4 Old Kings Road North, Suite B, Palm Coast, Florida 32317, Telephone (386)445-8900; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.: 61B-76.003
 RULE TITLES: Budgets
 61B-76.005 Reserves

PURPOSE AND EFFECT: This proposed rule amendment is for the purpose of allowing cooperative associations to use the pooling method for funding reserves for capital expenditures and deferred maintenance. The pooling method is a funding

formula that utilizes a combined analysis and common source of money to pay for the maintenance or repair of assets within the pooled reserve account. The pooling method provides associations with more flexibility and meets the statutory requirement that reserve funding be based on the estimated deferred maintenance or replacement cost and funded over the lives of the assets to be reserved. This change is recommended to provide cooperative associations the same regulatory requirements that exist for condominium associations. The proposed rule amendment also conforms the language to the same terminology used for condominiums.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses the funding of reserves for capital expenditures and deferred maintenance in cooperatives regulated under Chapter 719, Florida Statutes.

SPECIFIC AUTHORITY: 719.501(1)(f), (j) FS.

LAW IMPLEMENTED: 719.106(1)(e), (j), 719.107(2), 719.501(1)(j), 719.618(1) 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: April 7, 2008, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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. The preliminary draft rule is also available on line 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

Electrical Contractors' Licensing Board

RULE NO.: **RULE TITLE:**
61G6-8.001 Fees

PURPOSE AND EFFECT: The purpose and effect is to adjust the application and renewal fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS.

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: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.:	RULE TITLES:
61G19-7.006	Program Syllabus
61G19-7.007	Records Required to be Maintained by Program Providers
61G19-7.008	Certificates of Satisfactory Completion
61G19-7.009	Advertising of Training Programs
61G19-7.010	Training Program Provider Fees

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Review of Chapter 7 Training Programs for standard.

SPECIFIC AUTHORITY: 468.606, 455.213(2), 468.606 FS.

LAW IMPLEMENTED: 468.606, 468.609, 455.213(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-3.004	Issuance of Certification

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Issuance of Certification.

SPECIFIC AUTHORITY: 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 FS.

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

DATE AND TIME: Monday, April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-4.001 Education Requirements

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Education Requirements.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

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

DATE AND TIME: April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Post Licensing Education for Registered Trainee Appraisers.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 FS.

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

DATE AND TIME: Monday, April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-5.001 Appraisal Examination Areas of Competency

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Appraisal Examination Areas of Competency.

SPECIFIC AUTHORITY: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.217, 475.616 FS.

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

DATE AND TIME: April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
 RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS.

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

DATE AND TIME: April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-7.003
 RULE TITLE: Advertising

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

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

DATE AND TIME: April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-9.001
 RULE TITLE: Standards of Appraisal Practice

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards of Appraisal Practice.

SPECIFIC AUTHORITY: 475.613(2), 475.628 FS.

LAW IMPLEMENTED: 475.613(2), 475.628 FS.

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

DATE AND TIME: April 7, 2008, 9:00 a.m.

PLACE: Douglas Building, 3900 Commonwealth, Conference Rooms A&B, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas O’Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

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 NOS.:	RULE TITLES:
62-304.330	Pensacola Bay Basin TMDLs
62-304.335	Perdido Bay Basin TMDLs
62-304.435	Upper East Coast Basin TMDLS
62-304.505	Middle St. Johns River TMDLS
62-304.520	Indian River Lagoon Basin TMDLS
62-304.645	Springs Coast Basin TMDLS

PURPOSE AND EFFECT: The Department is initiating rulemaking to establish Total Maximum Daily Loads (TMDLs) for waters in the Pensacola Bay (Bayou Chico, Jones Creek, Jackson Creek, Bayou Chico Beach and Sanders Beach), Perdido Bay (Elevenmile Creek and Tenmile Creek), Upper East Coast (Spruce Creek), Middle St. Johns River (Little Wekiva River, Little Wekiva Canal, Wekiva River, Rock Springs Run, Spring Lake, Lake Florida, Lake Orienta, Lake Adalaide, Lake Lawne, Silver Lake, Bay Lake), Indian River

Lagoon (Crane Creek, Eau Gallie River), and Springs Coast (Klosterman Bayou Run tidal segment, Saint Joes Creek freshwater segment) Basins.

Pursuant to Section 403.067(6), Fla. Stat., TMDLs must be adopted by the Secretary of the Department by rule. Chapter 62-304, F.A.C., was established as the rule chapter within which rules adopting TMDLs shall reside. Establishment of TMDLs is proceeding for waters within the above basins for which the verified lists of impaired waters previously were adopted by Secretarial Order. TMDL calculations and allocations for each waterbody or waterbody segment will be adopted by rule, by the Secretary of the Department, pursuant to Sections 120.536(1), 120.54, and 403.805, Fla. Stat. This rule has been given OGC No. 08-0456.

SUBJECT AREA TO BE ADDRESSED: TMDLs and their allocations will be established for the pollutants identified as causing the impairment for the impaired waters in the above listed basins (as indicated in the order adopting the verified list for each basin).

SPECIFIC AUTHORITY: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.062, 403.067 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jan Mandrup-Poulsen, Administrator, Watershed Assessment Section, 2600 Blair Stone Road, Mail Station 3555, Tallahassee, FL 32399-2400, Telephone (850)245-8449

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.171	Transfer Facilities
62-730.182	Criteria to Determine Whether Changes Constitute a "Substantial Modification" at Certain Existing Hazardous Waste Facilities That Are Otherwise Exempt From Statutory Location Standards
62-730.900	Forms

PURPOSE AND EFFECT: The rulemaking will fulfill a statutory requirement that the Department of Environmental Protection (DEP) adopt criteria to determine whether any proposed change at certain hazardous waste facilities constitutes a "substantial modification." Section 403.7211, F.S., establishes specific siting requirements for permitted hazardous waste facilities that manage hazardous waste generated offsite, including federal facilities with hazardous waste permits. DEP is prohibited from issuing a permit for the substantial modification of such facility unless the siting requirements are met. The statute defines substantial modification as "any physical change in, change in the

operations of, or addition to a facility which could increase the potential offsite impact, or risk of impact, from a release at that facility; and any change in permit conditions which is reasonably expected to lead to greater potential impacts or risks of impacts, from a release at that facility," and directs DEP to adopt criteria, by rule, to determine whether a facility has been substantially modified.

SUBJECT AREA TO BE ADDRESSED: This rule will establish criteria to determine whether a physical change in, change in the operation of, or addition to, a transfer facility or a hazardous waste treatment, storage, and disposal facility which receives waste generated off-site, including federal facilities, could increase the potential offsite impact, or risk of impact, from a release at that facility.

SPECIFIC AUTHORITY: 403.7211 FS.

LAW IMPLEMENTED: 403.7211 FS.

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

DATE AND TIME: April 14, 2008, 1:00 p.m.

PLACE: Bob Martinez Center, Conference Room 609, 2600 Blair Stone Road, 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 five days before the workshop/meeting by contacting: Julie Rainey at (850)245-8713 or julie.c.rainey@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Rainey, Environmental Manager, Hazardous Waste Regulation, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; (850)245-8713; julie.c.rainey@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-11.0011	Mandatory HIV/AIDS and Prevention of Medical Errors Education for Initial Licensure and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide the form name and number of the application for provisional licenses and the website address where the form can be obtained from the Board of Nursing Home Administrators.

SUBJECT AREA TO BE ADDRESSED: Provisional License.

SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.

LAW IMPLEMENTED: 468.1735 FS.

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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.004
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language clarifying: the disciplinary actions for authorizing the discharge or transfer of a resident for a reason other than those provided in Sections 400.022 and 400.0255, F.S.; practicing on a delinquent license; violation to Chapter 64B10, F.A.C. or Chapter 456, F.S.; failure to implement quality assurance programs.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 456.072(1)(gg), 456.073(3), 456.079, 468.1685(1) FS.

LAW IMPLEMENTED: 456.072, 456.073(3), 456.079, 468.1685(4), (5), (6), 468.1755(1)(a), (j), (q) FS.

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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-13.001
RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The purpose and effect of the amendment is to update the existing language in the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Biennial Renewal.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5), (6), (7), 459.008, 459.008(4) FS.

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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.008
RULE TITLE: Mediation

PURPOSE AND EFFECT: The purpose and effect is to add to the rule an offense that may be mediated.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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 IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.008 Mediation.

(1) No change.

(2) The board finds that the following offenses may be mediated if the offense meets the criteria of Section 456.078, F.S.:

(a) through (e) No change.

(f) Section 459.015(1)(g), F.S., failure to perform any statutory or legal obligation placed upon a licensed osteopathic physician; through a violation of Section 456.072(1)(w), F.S., by failing to comply with the requirements for profiling and credentialing.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 11-30-94, Formerly 59W-19.008, Amended 5-3-05, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.850
 RULE TITLE: Special Pharmacy – ESRD

PURPOSE AND EFFECT: The Board proposes the rule amendment to add additional drugs to the rule.

SUBJECT AREA TO BE ADDRESSED: Special Pharmacy-ESRD.

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0196, 465.022 FS.

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 IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.850 Special Pharmacy – ESRD.

(1) through (2) No change.

(3) Schedule of legend drugs:

(a) Saline Solutions.

(b) Porcine Heparin.

(c) Beef Heparin.

(d) Dextrose Solutions.

(e) Doxercalciferol.

(f) Epoetin Alfa.

(g)(e) NACL INJ 50 MEQ/20 ML.

(h) Levocarnitine.

(i)(f) Lidocaine.

(j)(g) Vitamin Preparations (dialysate use only).

(k) Paricalcitol.

(l)(h) Peritoneal Dialysate Solutions.

(m)(i) Protamine Sulfate.

(n)(j) Potassium 20 MEQ/10ML (dialysate use only).

(o) Sodium Ferric Gluconate Complex or equivalent.

(p)(k) Sterile Water for Irrigation.

(4) through (17) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History--New 10-2-94, Formerly 59X-28.850, Amended 9-20-99, 7-17-05, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-28.902
 RULE TITLE: Nuclear Pharmacy – Minimum Requirements

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Nuclear Pharmacy-Minimum Requirements.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.0193, 465.022(1) FS.

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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: 64B24-3.018
 RULE TITLE: One Time Fee Assessment

PURPOSE AND EFFECT: The Department wants to create a rule to establish a one time fee assessment.

SUBJECT AREA TO BE ADDRESSED: One Time Fee Assessment.

SPECIFIC AUTHORITY: 456.025(5), 467.005, 467.0135 FS.

LAW IMPLEMENTED: 456.025(5) FS.

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 IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B24-3.018 One Time Fee Assessment.

(1) Each person with a license to practice midwifery under Chapter 467, F.S., issued on or before December 15, 2008, shall pay a one-time fee of \$250.00 to the Council of Licensed Midwifery to be received by the department no later than midnight on December 31, 2008. The fee must be paid by licensees, including those with licenses on inactive or delinquent status, regardless of discipline imposed including suspension, but does not apply to those with a temporary certificate or retired status.

(2) Failure to timely pay the one-time assessment is a violation of Section 467.203(1)(j), F.S., and this rule. After December 31, 2008, no delinquent or inactive status license shall be reinstated or reactivated until the fee is paid.

(3) The department shall notify licensees of the assessment by postcard at their address of record no later than August 1, 2008, but not receiving notice does not excuse a failure to comply. The licensure application package shall include notice or a copy of this rule for those who are licensed between August 1 and December 15, 2008.

Specific Authority 456.025(5), 467.005, 467.0135 FS. Law Implemented 456.025(5) FS. History—New _____.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-31.001	General
1B-31.002	Florida Real Property Electronic Recording Standards

PURPOSE AND EFFECT: The purpose of this rule is to establish standards to implement the Uniform Real Property Electronic Recording Act (URPERA), Section 695.27, F.S. These standards were recommended by the Florida Electronic Recording Advisory Committee in their Final Report dated November 30, 2007 (available on the Florida Association of Court Clerks and Comptrollers Web site at <http://www.flclerks.com/eRecording.html>), based on electronic recording standards issued by the Property Records Industry Association (PRIA).

SUMMARY: This rule establishes technical standards, implementation guidelines, and business rules for electronic recording of real property documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 695.27(5)(a) FS.

LAW IMPLEMENTED: 695.27(5)(a) 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: Tuesday, April 22, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 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 3 days before the workshop/meeting by contacting: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Berberich, Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250, phone (850)245-6750, e-mail jberberich@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

1B-31.001 General.

(1) This rule prescribes standards for electronic recording of real property documents in those Florida counties in which the county recorder elects to accept electronic real property documents for recordation.

(2) These standards are based on recommendations of the Florida Electronic Advisory Committee and promulgated by the Department of State pursuant to Section 695.27, F.S., Florida Uniform Real Property Electronic Recording Act.

(3) For the purpose of this chapter:

(a) "County Recorder" means the Clerk of the Circuit Court, County Comptroller, or other official county recording officer.