

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003
RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate the Nongame Wildlife, Fish and Wildlife Research Institute and the Florida State Wildlife grants programs’ application forms by reference for consistency with Chapter 120, F.S. Additionally, we plan on adding the Derelict Vessel Removal Grant Program rule language, in full, to move it from the current location in Rule 68D-16.029, F.A.C. to Rule 68-1.003, F.A.C., for consistency and ease of location, and subsequently repealing the language in Rule 68D-16.029, F.A.C. Finally, we will be amending specific State Wildlife Grant program guidelines that are incorporated by reference into the overall rule on the issuance of agency grants. The amendment will update the date of the guidelines referenced in the rule from March 2007 to September 2008. These guidelines are being changed to clarify the existing application process by making a few technical clarifications, eliminating the preliminary review option for grant applications, clarifying (but not changing) the partial prohibition on the use of indirect costs as matching funds by more simply stating that the program does not allow them to exceed more than 15% of the salary request per fiscal year, and a statement explaining to applicants that when planning a project time frame they must build into it enough time for completion of the draft and final reports without requiring an amendment for additional time, as such an amendment could be considered a late deliverable when reviewing future applications. These changes reflect the Program’s progress and development within the agency.

SUBJECT AREA TO BE ADDRESSED: Grant Program Guidelines for the Florida’s State Wildlife Grants Program, incorporated by reference, and Derelict Vessel Removal Grant Program.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.; 206.606, 376.15, 379.106 FS.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.; 206.606, 376.15, 379.106, 823.11 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: Florida’s State Wildlife Grants Program: Brian Branciforte, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399, telephone: (850)488-3831,

email brian.branciforte@myfwc.com. Derelict Vessel Removal Grant Program: Tim Woody, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399, telephone: (850)410-0656, ext. 17173, email tim.woody@myfwc.com

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-5.026
RULE TITLE: Post-Election Certification Voting System Audit

PURPOSE AND EFFECT: This new rule is necessary to implement the provisions of s. 8 of Chapter 2008-95, Laws of Florida, which substantially revised Section 101.591, Florida Statutes, relating to voting system audits. Under the pre-2008 version of Section 101.591, Florida Statutes, the Legislature could, subject to appropriations, direct that an independent voting system audit be conducted at any time. An audit was deemed to include a study and evaluation of the voting system to assess and affirm that the voting system properly counted the votes and provided safeguards against unauthorized manipulation. No directive existed to adopt rules.

In 2008, the Florida Legislature substantially revised the section to require that county or local canvassing boards conduct a voting system audit after every election based on randomly selected races on the ballot and precincts. The audit is required to be conducted within 7 days of election certification. The purpose of the new rule is to provide uniform procedures to the county canvassing board or local canvassing board to conduct voting system audits. The language in the proposed rule tracks the language in emergency Rule 1SER08-4, also entitled “Post-Election Certification Voting System” that was adopted and became effective on July 1, 2008.

SUMMARY: This new rule provides the specific procedures necessary to implement the legislative intent to conduct a voting system audit in every election by randomly selecting a race and precincts and to report on the overall accuracy of such system and to identify problems or discrepancies, if any.

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

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 101.591, 101.5911 FS.

LAW IMPLEMENTED: 101.591 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, August 28, 2008, 2:00 p.m. – 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State, (850)245-6536; nshotwell@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, ((850)245-6536, mimatthews@dos.state.fl.us) or Sarah Jane Bradshaw, ((850)245-6200, sjabradshaw@dos.state.fl.us) at the Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.026 Post-Election Certification Voting System Audit.

(1) General application. The provisions of this rule apply to a manual audit of a voting system to be conducted after certification of an election. The purpose of the manual audit is to ensure that the voting system deployed in the election tabulated all votes properly. A manual audit is not required in any election in which only paper ballots are used and are not tabulated by a voting system.

(2) Definitions. For purposes of this rule only, the term:

(a) “Audit team” means a two-person team that manually sorts and tallies the votes. The audit team may consist of employees of the supervisor of elections, poll workers or other temporary personnel acting under the direction of the county or other local canvassing board.

(b) “Ballot image” means an electronic record of the content of a ballot cast by a voter and recorded by the voting device.

(c) “Ballot image report” means the printout of ballot images for each machine or precinct generated.

(d) “Board” means the county canvassing board or other local board responsible for certifying the election. The board shall be governed by the provisions of Section 102.141, F.S., including the process for substitution in the event a member is unable to serve.

(e) “Manual audit” means a public manual tally of the votes cast in one randomly selected race that appears on a ballot in one or more randomly selected precincts.

(f) “Marksense ballot” means the printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or an issue such as a proposed constitutional amendment or other public measure submitted to the electorate at any election, on which an elector casts his or her vote.

(g) “Race” means any contest for filling a candidate office or voting on an issue. Races for state or county executive committees of political parties are not included since these races do not constitute races for candidates pursuant to Section 97.021(4), F.S.

(3) Forms.

(a) The following forms are used in this rule and are incorporated by reference:

1. Form DS-DE 105 A, entitled “Audit Team Worksheet for Direct Recording Electronic Ballots” (eff. _____).

2. Form DS-DE 105 B, entitled “Audit Team Worksheet for Marksense Ballots” (eff. _____).

3. Form DS-DE 106, entitled “Precinct Summary” (eff. _____).

4. Form DS-DE 107 entitled “Post-Election Certification Voting System Audit Report” (eff. _____).

(b) Copies of the forms may be obtained from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

(4) Board duties. The Board must:

(a) Publish at least a 24-hour advance notice of the meeting to conduct the random race and precinct selection and the meeting to conduct the manual audit. The notice may be published before the official certification of the election results but neither the random selection nor the manual audit can occur until after the certification. The notice shall include the date, time and place for each meeting. Notice shall be posted in four conspicuous places in the county and on the home page of the county supervisor of elections’ website. A link to the notice on the county supervisor of election’s homepage will satisfy the website notice requirement.

(b) Conduct, complete and make available the results of a manual audit of a voting system no later than 11:59 p.m. of the 7th day following the official certification of election results.

(c) Submit to the Department of State a report of the audit results in accordance with the report format prescribed in subsection (10) within 15 days after the manual audit is completed.

(5) Random Selection of Race and Precincts.

(a) The Board shall determine the method of random selection of the race and precincts to be audited. The selection method must be done manually and independent of any software program, and on a random basis using a uniform distribution in which all races have an equal chance of being selected and all precincts in which the selected race appears have an equal chance of being selected. Examples of such selection may include selection by drawing lots or by using a ten-sided die. However, the selection method should be done in a way that the public is assured that all races as defined in rule that appear on the ballot are included in the random selection of the race, and that all precincts containing the selected race are included in the random selection of the precinct or precincts.

(b) The Board shall first randomly select a race from all available races on the ballots. In the event that multiple municipal or other local elections are held on the same day in a county and the county canvassing board certifies the elections, one manual audit will cover all elections held on that day and all races involved in the elections shall be available for selection of the race and precincts.

(c) The Board shall next randomly select two percent of the precincts in which the selected race appears. If two percent of the precincts equals less than a whole number, the number of precincts to be audited shall be rounded up to the next whole number.

(6) General Procedures.

(a) A majority of the Board shall be present at all times until the manual audit is completed.

(b) Prior to the beginning of the manual audit, the Board shall jointly review the rules and statutes governing audit procedures. The Board shall also review the security procedures for manual audits established by the Supervisor of Elections pursuant to subsection (11).

(c) The Board shall ensure that, at a minimum, the minutes of the manual audit proceedings are taken and promptly recorded and maintained.

(d) The Board shall conduct the manual audit in a room large enough to accommodate the following, at a minimum: the board, the audit teams and, if present, two public observers per audit team. If a large public turnout is anticipated, the Board should take reasonable steps to select the largest available public meeting room to accommodate the turnout. In the event that the room is not large enough to accommodate all public observers present, the Board shall provide for the random selection of the observers from among those present just prior to the beginning of the manual audit. The observers shall be allowed to witness the audit team's activities but may not interfere with the proceedings. The Board shall announce the procedures that will allow any departing public observers to be replaced by other observers.

(e) The Board may adopt reasonable rules and policies to ensure the public does not interfere or otherwise disturb the manual audit, including taking whatever reasonable action is necessary to have disruptive and unruly persons removed by law enforcement officials.

(f) The Board shall appoint as many audit teams as necessary to assist in the manual audit. The Board shall resolve any disagreement on the handling or processing of a ballot by an audit team in accordance with the rule.

(g) No person except the Board, an employee of the Supervisor of Elections or a member of an audit team shall handle any ballot or ballot container, or interfere with or obstruct the orderly manual audit.

(h) To the extent possible, the certified result from the selected race and precinct(s) to be audited shall not be disclosed in advance to the audit teams.

(7) Specific procedures-direct recording electronic voting machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on direct recording electronic machines:

(a) The Board shall order the printing of one official copy of the ballot image report from each machine to be audited. The ballot image shall constitute the ballot for purposes of the tally in accordance with this subsection.

(b) The Board shall differentiate among the voter's various choices in the selected race by assigning a distinct color code to each possible choice in that race.

(c) The audit team shall highlight the voter's choice on the ballot image report in accordance with the assigned color code.

(d) The audit team shall then tally the results and write the number of votes for each candidate or issue choice on the Audit Team Worksheet for DRE Ballots (DS-DE 105 A).

(e) The audit team shall otherwise examine the ballot images and follow the procedures used under subsection (8) for tallying and recording the votes.

(8) Specific procedures-optical scan machine ballots. The Board and the audit teams shall follow these specific audit procedures for votes cast on optical scan machines:

(a) The manual audit shall include a tally of the selected race for the selected precinct or precincts of ballots cast on Election Day and during the Early Voting period, absentee ballots (to include absentee ballots cast by uniformed and overseas citizens), and provisional ballots.

(b) The tally shall be of the marksense ballots that were tabulated by the voting system.

(c) Ballots cast at the precinct on Election Day, early voted ballots, absentee ballots and provisional ballots for each precinct shall be audited separately.

(d) In order to distinguish between errors attributable to improper marking of the ballot versus voting system tabulation error, each audit team shall examine a ballot and if in agreement, shall place a ballot into one of the following stacks:

- 1. Ballots on which the voter overvoted in the selected race.
- 2. Ballots on which the voter undervoted in the selected race.
- 3. Ballots on which the voter marked the race in a manner that should have been read by the voting system tabulator.
- 4. Ballots on which the voter marked the race in a manner that might not have been read by the voting system tabulator (deemed questionable ballots).

(e) The audit team shall sort the ballots that were stacked in subparagraph (8)(d)3. according to the voter’s choice in the selected race. For example, all ballots with votes for Candidate A should be placed in one stack and all ballots with votes for Candidate B should be placed in another stack. The audit team members shall then tally the number of ballots in each of those stacks and write the number of votes for each candidate or issue choice in the specific race on the Audit Team Worksheet for Marksense Ballots (DS-DE 105 B).

(f) The audit team members shall also tally the number of ballots for each stack as separated in subparagraphs (8)(d)1., 2., and 4. and write the number of ballots in each stack on the Audit Team Worksheet for Marksense Ballots (DS-DE 105 B).

(g) The manual audit shall continue until completed. A recess may be called but procedures, established by the supervisor of elections, for securing the tally results and ballots shall be followed during the recess.

(9) Results Compilation.

(a) The board shall direct the supervisor to print a report from the voting system for the precincts selected which provides the group detail of the number of ballots for Election Day, early voting, absentee, and provisional. The provisional number may be included in one of the other numbers. This report will be what the board shall compare to the audit teams’ manual count. The report shall not be provided to the audit team members.

(b) After the audit team has finalized its tally, the Board shall compile the results and compare the manual tally under subsections (7) and (8) to the official vote totals for the selected race in the selected precinct(s).

1. If the manual tally and official vote totals match for that precinct, this result is to be listed on the Precinct Summary form (DS-DE 106).

2. If the manual tally and official vote totals do not match, the Board shall determine if the difference can be reconciled by reviewing the official totals and the stack set out pursuant to paragraph (8)(d)1., 2. and 4. If the re-tally and totals still do not match, the Board shall direct a different audit team, if available, to conduct a manual re-tally.

3. If the re-tally and totals still do not match, the Board shall direct the audit team, to review the paper ballot tabulator printed tapes or reports for the number of ballots cast in the selected race and precinct(s). If the number of ballots cast in the selected race from the printed tapes or reports does not

match the number of ballots audited, the canvassing board shall take the steps necessary to resolve the discrepancy. If that tally and official totals still do not match, that manual tally and difference are to be noted on the Precinct Summary form (DS-DE 106).

(10) Audit Report. The Board shall submit its report to the Department of State using the “Post-Election Certification Audit Report” (DS-DE 107). Each audit report shall be accompanied by a completed Precinct Summary form (DS-DE 106) for each precinct audited. The report shall also include a description of:

- (a) The overall accuracy of the audit.
- (b) Problems or discrepancies encountered, if any.
- (c) The likely cause of any problems or discrepancies encountered, if any.
- (d) Recommended corrective or remedial actions for any problems or discrepancies encountered, for purposes of avoiding or mitigating such problems or discrepancies in future elections.

(11) Security procedures. Each county supervisor of elections pursuant to its responsibility under Section 101.015, F.S., shall ensure that its security procedures include procedures relating to the security of ballots, chain of custody controls, protocols for authorized access and secure storage of ballots that may be used in a manual audit.

Specific Authority 20.10(3), 97.012(1), 101.591, 101.5911 FS. Law Implemented 101.591 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald Palmer, Director, Division of Elections
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary of State Kurt E. Browning
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 25, 2008

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.099823	Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the updated Florida Voluntary Prekindergarten Education Standards to include mathematical and scientific thinking in the area of mathematics. The effect will be updated standards and benchmarks based on input provided by the public as well as researchers in the field of early childhood mathematics.

SUMMARY: This rule provides for the State Board of Education adoption of performance standards for children participating in the Voluntary Prekindergarten (VPK) Education Program.

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

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

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

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

DATE AND TIME: August 19, 2008, 8:30 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 W. Gaines Street, Suite 1524, Tallahassee, Florida 32399-0400, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program.

Minimum student performance standards adopted by the State Board of Education for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in the publication "Florida Voluntary Prekindergarten (VPK) Education Standards, Florida Department of Education 2008 2005." The standards incorporated in this document are hereby incorporated by reference in this rule and made a part of the rules of the State Board of Education to become effective with the effective date of this rule. Copies of this publication may be obtained through Florida Institute of Education at the University of North Florida, 12000 Alumni Drive, Jacksonville, Florida 32224-2678 at a price to be established by the Commissioner not to exceed actual costs.

Specific Authority 1002.79(1) FS. Law Implemented 1002.67(1) FS. History--New 7-25-07, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Frances Haithcock, Chancellor, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2008

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-85.004
RULE TITLE: Logo Sign Program

PURPOSE AND EFFECT: Rule 14-85.004, F.A.C., Logo Sign Program is being revised for clarity and consistency relating to business participant eligibility criteria, fees, and transfers of logo permits and applications.

SUMMARY: The rule is being amended to include clarification to existing language, new and revised definitions, adjustments to fees relating to handicapped symbols on logo signs, revisions to the distance criteria for camping and attraction business categories, implementation of a fee to cover costs associated with changing business logos, and clarifying the process for transferring business logo permits and applications.

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

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

SPECIFIC AUTHORITY: 479.08, 479.261, 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.08, 479.261 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 18, 2008, 9:00 a.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) Purpose.

(a) The Department is responsible for establishing a logo program pursuant to Section 479.261, F.S.

(b) Logo structures will be installed upon the request of a qualified business and when the Department determines that the cost of the construction is justified by anticipated use, or when a qualified business pays the cost of installation.

(2)(4) Definitions.

(a) "Annual Permit Renewal" means the process of requalifying businesses with existing permits by December 1 each year to allow for continued participation in the program.

(b) "Attraction" means an establishment as defined by Section 479.261(1)(a), F.S.

~~(c)(b)~~ “Business” means an ~~attraction or a commercial establishment providing, which provides~~ gas, food, lodging, or camping, or attraction services permitted under the federal *Manual on Uniform Traffic Control Devices* from a single site at a qualified interchange.

~~(d)(e)~~ “Business Logo Sign” means a sign board mounted on the display panel of a logo structure showing the name, symbol, trademark, or combination thereof for a category of motorist services available at an interchange.

~~(e)(d)~~ “Category” means the motorist services of gas, food, lodging, camping, or attraction.

~~(f)(e)~~ “Combination Logo Structure” means a logo structure designed to display more than one a combination of business logo category signs in no more than three categories in the following configurations:

1. ~~15' x 12' 4/2 or 2/4 two category combination, with business logo signs in each of the two categories placed together.~~

2. ~~15' x 12' 2/2/2 three category combination, with business logo signs in each of the three categories placed together.~~

3. ~~15' x 8' 2/1 two category combination, with business logo signs in each of the two categories placed together.~~

4. ~~15' x 12' 3/3 two category combination, with three business logo signs in each of the two categories placed together.~~

~~(g)(f)~~ “Crossroad” means a road intersecting the interstate highway to which access is provided by means of an interchange.

~~(h)~~ “Department” means the Florida Department of Transportation.

~~(i)(g)~~ “Display Panel” means the facing or surface of a sign which is mounted on the support columns logo structure to which business logo signs are affixed.

~~(j)(h)~~ “Double Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, one for each direction of travel on the crossroad.

~~(k)(i)~~ “Exit Ramp” means the traffic lane or lanes at an interchange on an interstate highway leading from the mainline to the crossroad.

~~(l)(j)~~ “Full Size Logo Structure” means a mainline or ramp logo structure capable of displaying six business logos signs.

~~(m)(k)~~ “Half Size Logo Structure” means a mainline or ramp logo structure capable of displaying three business logos signs.

~~(n)(l)~~ “Initial Permit” means written authorization for the display of a new business logo sign.

~~(o)(m)~~ “Logo Structure” means the support columns and display panel upon which separate business logos signs may be displayed.

~~(p)(n)~~ “Logo Trailblazer Signs” means signage in addition to mainline and ramp logo structures necessary to provide additional direction to otherwise qualifying businesses that are not located on, or visible from, the crossroad. ~~Logo trailblazer signs shall consist of a business logo sign, identical to a ramp business logo sign, a directional arrow, and supports.~~

~~(o)~~ “Mainline” means ~~the traffic lanes of an Interstate highway intended for through travel.~~

~~(q)(p)~~ “Mainline Logo Structure” means those logo structures located along the traffic lanes of the Interstate Highway System intended for through travel mainline.

~~(r)(q)~~ “Prepared Food” means hot or deli style food prepared to order on site.

~~(s)(r)~~ “Program Administrator” means the entity or Department employee responsible for managing contractor providing all services relating to the logo program pursuant to a contract under Section 479.261(4), F.S.

~~(s)~~ “Ramp Logo Structure” means those logo structures located along an exit ramp.

(t) “Qualified Interchange” means an interchange that meets the requirements of subsection (3) of this rule.

~~(u)~~ “Ramp Logo Structure” means those logo structures located along an exit ramp.

~~(v)~~ “Replacement” means the process whereby a business logo of a qualified business on a wait list takes the place of a disqualified or cancelled business’s logo on a display panel.

~~(w)(t)~~ “RV friendly” means businesses that can accommodate over-sized recreational vehicles by satisfying the facility and access criteria set forth in paragraph ~~(8)(4)(d)~~.

~~(x)(v)~~ “Single Exit Interchange” means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.

~~(y)(w)~~ “Traffic Control Device Signs” means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide motorists.

~~(z)~~ “Transfer” means the process of changing an existing logo permit or application to reflect either a change in ownership of the business or a change in the name of the business within the same category.

~~(aa)~~ “Wait List” means a compilation of businesses by individual category which have applied to participate in the logo program at a particular interchange at which there is currently no space available on a display panel.

~~(2) Responsibilities of Program Administrator and Department.~~

~~(a) Subject to paragraph (2)(b), the Program Administrator is responsible for administering all provisions of this rule, including the receipt of applications and renewals and the issuance of notices.~~

(b) The Department is responsible for interpretation of Section 479.261, F.S., and this rule, and is responsible for all proceedings under Chapter 120, F.S.

(3) Qualification of Interchanges. Interchanges on the Interstate Highway System are qualified when:

(a) Minimum sign spacing distance allows at least one mainline logo structure and one ramp logo structure on the exit ramp in addition to all necessary traffic control devices for each direction of travel on the mainline. All interchanges with logo structures erected or approved as of May 23, 1996, are qualified.

(b) The interchange configuration allows a motorist to exit, as well as re-enter and continue in the same direction, the Interstate Highway System. Additional interchanges on the Interstate highway system will be qualified when minimum sign spacing distance allows at least one logo structure on the mainline and one logo structure on the exit ramp in addition to all necessary traffic control signs for each direction of travel on the mainline.

(c) An interchange is qualified only when the interchange configuration allows a motorist to exit, as well as reenter the Interstate highway and continue in the same direction of travel.

(d) Interchanges, including those with logo structures erected or approved as of May 23, 1996, become unqualified when either the spacing requirements in paragraph (b) or the configuration requirement in (c), above, is no longer met as a result of Department action pursuant to Section 479.261(6), F.S. The Department or the Program Administrator shall relocate or remove logo structures when deemed necessary by the Department, pursuant to Section 479.261(6), F.S.

(4) Mainline Logo Structures.

(a) The number of logo structures along an approach to an interchange, regardless of the number of categories displayed, shall be limited to a maximum of four. Approaching the interchange, the successive order of logo categories that may be displayed in permissible combinations on the four logo structures shall be attraction, camping, lodging, food, and gas. No category shall appear on more than one logo structure. If spacing is unavailable on the four logo structures for all five categories in a permissible combination, category preference shall be given first to gas, then to food, lodging, camping, and attraction, respectively.

(b) At interchanges where sufficient logo structures exist to accommodate all categories of qualified businesses, preference shall be given in the successive order of gas, food, lodging, camping, and attraction.

(c) Where spacing does not permit the maximum number of logo structures, combination logo structures shall be used.

(d) Combination logo structures shall be constructed in one of the following configurations: used when spacing is unavailable for separate structures for all business categories for which applications have been submitted. The configuration of the logo structures shall be determined by the priority order

established in paragraph (4)(a) above, and the number of applicant businesses in each category which have been qualified for participation at the time the structure is erected. A combination logo structure displaying two business logo signs in each of the three categories (“2/2/2”) shall not be constructed at an interchange where more than two qualified gas or food businesses have applied, in order to preserve the priority of businesses which provide services in the categories of gas and food.

1. 15' x 12' 4/2 or 2/4 two-category combination, with business logos in each of the two categories placed together.

2. 15' x 12' 2/2/2 three-category combination with business logos in each of the three categories placed together.

3. 15' x 8' 2/1 two-category combination, with business logos in each of the two categories placed together.

4. 15' x 12' 3/3 two-category combination with three business logos in each of the two categories placed together.

(e) The display panel of mainline logo structures for all categories shall be a rectangle 15 feet wide by 10 feet high for a full size mainline logo structure, 15 feet wide by 6 feet high for a half size logo structure, and 15 feet wide by either 12 feet or 8 feet high for a combination logo structure.

(5) Ramp Logo Structures.

(a) The number of logo structures on an exit ramp shall be limited to a maximum of four. A business logo sign shall be permitted on exit ramp logo structures for each business logo sign permitted on mainline logo structures.

(b) If space is unavailable for logo structures for five categories of service, preference shall be given in priority order to the categories of gas, food, lodging, camping, and attraction.

(c) The display panel of ramp logo structures shall be 8 feet wide by 7 feet high for a full size ramp logo structure, 8 feet wide by 4 feet high for a half size ramp logo structure, and 8 feet wide by 8 feet high for a combination ramp logo structure.

(6) Placement of Business Logo Signs on Logo Structures. The initial arrangement of business logo signs on each logo structure shall be from left to right, top to bottom, based upon the date of issuance of the permit. When a business logo sign is removed, the next business logo sign to be displayed will be placed in the location of the removed business logo sign.

(7) Business Logos Signs on Mainline Logo Structures.

(a) No more than six business logos signs shall be allowed on any logo structure.

(b) No category shall appear on more than two mainline logo structures a total of six business logo signs shall be allowed for any category.

(c) Arrangement of business logos on the display panel of a mainline logo structure shall be based on the most efficient use of the display panel and not the priority of the wait list or length of time a business may have been participating in the program.

(d) If spacing is unavailable on a mainline logo structure for all categories with pending applications for the interchange, display panels shall be configured to best accommodate as many categories as practicable with consideration given to the priority order listed in paragraph (4)(b) above. If six business logos of a category are displayed at the interchange approach, additional business logos for that category will be displayed only if additional space is available and there are not any pending applications from subsequent categories in the order of preference listed in paragraph (4)(b) above.

(e) At interchanges with pending applications in more than one category, at least one mainline logo structure shall be configured as a combination sign to best accommodate categories not already represented at the interchange.

(f) When a business logo is removed the next business logo in line on the wait list in the same category, in order of priority established by date of application, will be displayed on the display panel, subject to paragraphs (6)(e) and (9)(b) of this rule.

(g)(e) Business logos signs on mainline logo structures shall be constructed of metal and shall be 48 inches wide and 36 inches high. Letters shall be at least 10 inches high, whether capital or lowercase. However, when only a symbol or trademark is used on the logo sign, any legend on the symbol or trademark shall be proportional to the size customarily used.

(7)(8) Business Logos Signs on Ramp Logo Structures.

(a) No more than six business logos shall be allowed on any ramp logo structure.

(b) No category shall appear on more than two ramp logo structures.

(c) Business logos signs on ramp logo structures shall be constructed of metal and shall be 24 inches wide and 18 inches high. Letters shall be at least 6 inches high, whether capital or lowercase. However, when only the symbol or trademark is used, any legend on it shall be proportional to the size customarily used on the symbol or trademark.

(8)(9) Installation and Maintenance of Logo Structures and Signs. Except as provided herein, all logo structures and business logos signs shall be installed and maintained in accordance with the *Manual on Uniform Traffic Control Devices*, which is incorporated by reference in Rule 14-15.010, F.A.C. The Program Administrator shall have removed, replaced, or covered any business logo sign that no longer meets Department standards.

(9)(10) Qualification of Businesses.

(a) To qualify for a business logo sign in any category, a business must be open and operating and meet all of the following conditions:

1. Hold all necessary licenses and permits to provide services required to qualify for the category being displayed.

2. Comply with laws concerning the provision of public accommodations without regard to race, religion, color, age, sex, or national origin, and allow admission to the general

public. A business shall not qualify if admission or access is based on a membership fee or other means of exclusive admission or where minors are excluded.

3. Provide on-site, modern sanitary facilities and a telephone for use by motorists.

4. Fall within a category set forth in paragraphs (9) (10) (e)(d) through (i), and meet the requirements applicable to that category, including distance from the qualifying interchange. The qualifying interchange will be measured from the point where the crossroad intersects with the centerline of the Interstate highway median, along the crossroad to the nearest entrance to the premises of the business.

5. Be located on or visible from the crossroad so that a motorist can immediately discern the type of service provided. However, a business which meets all other qualifications but is not located on or is not visible from the crossroad will be permitted to display a business logo sign subject to all of the following conditions:

a. The business demonstrates that additional signs are in place which are adequate to direct the motorist to its location. Such signs shall be maintained at all times while the business logo sign is displayed.

b. The business furnishes logo trailblazer signs to the program administrator at its own cost.

I. If a logo trailblazer sign is to be placed on a city or county road, written approval must be obtained from the local government entity having authority for sign placement prior to installation of the logo trailblazer sign.

II. Logo trailblazer signs shall consist of a business logo identical to a ramp business logo, a directional arrow, and supports.

III. Logo trailblazer signs shall be maintained by the Program Administrator.

e. Space is available to display the business logo sign on an existing logo structure.

(b) A business qualified in the category categories of gas, food, or lodging, only, which is located between three and six miles from the interchange will be granted a permit for a business logo sign if fewer less than six permits have been issued for businesses within three miles of the interchange for that category. A permit for a business logo sign issued for a business located between three and six miles of the interchange will not be renewed at the next billing date if six businesses located within three miles of the interchange have been qualified for logo permits.

(c) A business shall qualify to display ~~for~~ a business logo sign in one direction only and at one half the standard annual permit fee if any of the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. The business is located at an interchange serving both directions, but the business can only serve motorists traveling in one direction because of the interchange configuration.

3. The business is located at an interchange serving both directions, but the business can only be signed in one direction because of sign spacing.

4. The business is using supplemental signing in one direction and supplemental signing in the other direction is not available.

(d) RV friendly.

1. Any participating businesses which provide the following minimum facilities listed below will be granted a permit to display the RV friendly symbol on their business logo.

a. Roadway access and egress must be hard surface, free of potholes, and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.

b. Roadway access, egress, and parking facilities must be free of any electrical wires, tree branches, or other obstructions up to 14 feet above the surface.

c. Facilities requiring short-term parking, such as restaurants or tourist attractions, are required to have two 2 or more parking spaces that are 12 feet wide and 65 feet long with a swing radius of 50 feet to enter and exit the spaces.

d. Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.

e. Fueling facilities must allow for pull-through with a swing radius of 50 feet.

f. For campgrounds two 2 or more spaces that are 18 feet wide and 45 feet long are required.

g. Businesses must post directional signing on their sites, as needed, to those RV friendly parking spaces and other on site RV friendly services, so that the motorist is given additional guidance upon leaving the public highway and entering the business establishment's property.

2. RV friendly symbol design and placement.

a. The design of the RV friendly symbol is a 12-inch diameter, yellow circle with a 1/2-inch approved non-reflective black border. The yellow background sheeting will be AASHTO Type III Sign Sheeting (High Intensity). The black upper case letters "RV" are inside the circle and are 8 inches in height and will be approved non-reflective black. If necessary for mounting, the sheeting may be attached to an aluminum circle.

b. ~~The When used, the~~ RV friendly symbol shall be is located in the lower right-hand corner of the business logo in a manner in which it touches both the business logo and the blue sign panel.

c. The RV friendly symbol shall not overlap other business logos.

d. The RV friendly symbol shall only be displayed on mainline logo structures.

3. RV friendly participation.

a. Businesses interested in providing this service should contact the Program Administrator.

b. Businesses in all categories may apply to use the RV friendly symbol on their business logos signs any time ~~during their permit period.~~

c. The Program Administrator will inspect the business to assure compliance with the RV friendly qualifying criteria.

d. If a business subsequently fails to satisfy the RV friendly criteria, the RV friendly symbol will be removed by the Program Administrator.

4. Fees. Upon application, the business will be charged an initial, one-time fee of \$100.00 for each RV friendly symbol displayed.

(e) Gas.

1. To qualify to display for a business logo ~~sign~~ in the gas category, a business must be open and operating and meet all of the following conditions:

a. Operate year round at least 16 hours per day, 360 days a year. However, a business that meets all other qualifications but maintains operating hours other than 16 hours per day will be permitted to display a business logo ~~sign~~ in the gas category if it meets all of the following conditions:

I. Space is available to display the business logo ~~sign~~ on an existing logo structure.

II. At least one business logo ~~sign~~ is displayed at the same interchange for businesses in the gas category operating year round at least 16 hours per day, 360 days a year.

III. The gas business with operating hours other than 16 hours per day must operate at least 12 continuous hour per day, 360 days a year.

b. Provide on-site vehicle services including, at a minimum: fuel, oil, water, and tire inflation.

c. Provide drinking water.

d. Be located within six three miles of the interchange.

2. Any full service or self service gas business willing to provide gas pumping service to motorists with disabilities during the hours the business is open shall display the International Symbol of Accessibility for the Handicapped (Symbol D9-5 *Manual on Uniform Traffic Control Devices*) on its business logo ~~sign~~. The symbol shall be a minimum of 6 inches wide by 6 inches high and a maximum of 8 inches wide by 8 inches high for the mainline business logo. These dimensions shall be reduced by one half for corresponding ramp business logos ~~signs~~. The symbol shall be located in the upper left hand corner of the business logo in a manner in which it touches both the business logo and the blue sign panel ~~and shall be~~ positioned in such a way as to cause minimal interference with the artwork. Permitted gas category businesses may apply to use this symbol on their business logos ~~signs~~ at the next permit renewal date. A new participant may elect to participate when the first permit fee payment is

submitted. Permit fees will be in accordance with ~~sub~~paragraphs 14-85.004(10)(a) ~~(11)(b)3.~~ and 14-85.004 (10)(b) ~~(11)(e)4.~~, F.A.C.

3. Gas category businesses interested in providing this service should contact the Program Administrator. In order to participate, a gas business shall meet all of the following conditions:

a. An attendant is on duty who will pump gas for the motorist with disabilities without additional charge.

b. At least one gas pump is plainly identified with the International Symbol of Accessibility for the Handicapped, and with an explanation of the method by which the driver can notify an attendant of the need for assistance without exiting the vehicle.

c. Following the approval of the initial or renewed application, the ~~P~~program ~~A~~administrator will fabricate and install the reflective metal construction symbols on the for two mainline signs and two ramp logo structures signs.

(f) Food. To qualify to display for a business logo sign in the food category, a business must be open and operating and meet all of the following conditions:

1. Be licensed in accordance with Chapter 500 or 509, F.S., and serve prepared food.

2. Be located within ~~six three~~ miles of the interchange.

3. Not require a cover charge for admittance.

4. Maintain continuous operating hours from at least 7:00 a.m. to 10:00 p.m., at least 360 days a year. A business which meets all other qualifications, but maintains operating hours other than 7:00 a.m. to 10:00 p.m., will be permitted to display a business logo ~~sign~~ in the food category so long as it meets all of the following conditions:

a. Space is available to display the business logo ~~sign~~ on an existing logo structure.

b. At least one business logo ~~sign~~ is displayed at the same interchange for businesses in the food category with continuous operating hours from at least 7:00 a.m. to 10:00 p.m.

c. The business must operate for at least six consecutive hours between 6:00 a.m. and 12:00 midnight, at least 360 days a year.

5. If a food business is qualified, except for the fact that the business is only open six days a week, that business will be allowed to participate as a fully qualified business. The business must identify the day it is closed on the business logo ~~sign~~, e.g., Closed Sunday. The legend must be located in the lower one third of the business logo ~~sign~~. The letters must be at least ~~six 6~~ inches high. The color of the letters must be in contrast to the color of the background.

(g) Lodging. To qualify to display for a business logo sign in the lodging category, the business must be open and operating and meet both of the following conditions:

1. Be licensed in accordance with Chapter 509, F.S.

2. Be located within ~~six three~~ miles of the interchange.

(h) Camping. To qualify to display for a business logo sign in the camping category the business must be open and operating and meet all the following conditions.

1. ~~H~~hold a permit under the provisions of Chapter 513, F.S., ~~and must~~

2. ~~B~~be located within ~~15 fifteen~~ miles of the interchange. If space is available on a display panel for additional camping business logos, the distance from the interchange will be extended a maximum of 30 miles; however, if space is limited, camping businesses within 15 miles of the interchange shall have priority.

(i) Attraction. To qualify to display for a business logo sign in the attraction category, a business must be open and operating and meet all of the following conditions:

1. ~~Be open at least 5 days a week for 52 weeks a year.~~

2. ~~Charge admission for entry.~~

3. ~~Have, as its principal focus, family oriented entertainment or cultural, educational, recreational, scientific, or historical activities.~~

1.4. ~~Must be a Be publicly recognized as a bona fide tourist destination. A bona fide tourist attraction, the attraction shall maintain destination will have and keep current all legally required permits and licenses and comply with laws concerning the provision of public accommodations, pursuant to subparagraphs (10)(a)1. and 2. of the rule;~~

2. ~~Will advertise to the general public additional ways other than the Logo Sign Program; and will comply with the conditions expressed in paragraph (10)(i) of this rule.~~

3.5. ~~Provide adequate parking in accordance with local zoning ordinances.~~

4.6. ~~Not be advertised or displayed on any other existing traffic control device such as a supplemental guide sign or overhead sign in the direction being signed.~~

5.7. ~~Be located within 30 fifteen~~ miles of the interchange.

(10)(11) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31 of the year following approval.

(b) Annual Permit Fees.

1. Annual permit fees for business logos shall be \$1,000.00.

2.4. ~~Payment of permit fees shall be by U.S. currency, postal money order, bank draft, cashier's check, personal check, or business check. If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not~~

honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

~~3.2. The annual~~ For an initial permit application, the permit fee will be prorated with 1/12 of the annual permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of ~~an~~ the application. The fee for applications approved after September 30 will also include fees for the next calendar year.

~~4.3. A~~ For an initial permit application for a full service or self service gas business providing willing to provide gas pumping service to motorists with disabilities and wishing to display the International Symbol of Accessibility for the Handicapped (Symbol D9-5 Manual on Uniform Traffic Control Devices) on its business logo, the business will be charged a one-time additional fee of \$100 for each symbol displayed, ~~the permit fee for the initial year of participation will be \$1,200. Subsequent annual permit renewal fees will be \$1,000.~~

~~5.4.~~ Permits for the attraction category shall be awarded by the Department annually to the highest bidder. However, the fees shall not be less than the fees established for logo participants in other logo categories. In the event of a tie, the affected parties will submit new bids for the location. ~~Businesses seeking to be placed on the Department's qualified bidders list for the attraction category must submit a completed Logo Application for Attractions, Form Number FLI-163-1, Rev. 08/04, incorporated herein by reference to the address specified on the form. The Logo Application for Attractions, Form Number FLI-163-1, Rev. 08/04, may be obtained from the Program Administrator, Florida Logos, Inc., 3764 New Tampa Highway, Lakeland, Florida 33815. Applicants whose applications meet program requirements will be issued a PIN number and bidding instructions.~~

6. When a participating business wishes to change a business logo, there shall be a \$100 change-out fee for each business on a display panel.

(c) Initial Permit Application.

1. A business applying to display for a business logo sign must submit a completed Florida Logo Sign Permit Application form to the Program Administrator, Form Number 575-070-034 FLI-163, Rev. 07/08 08/04, incorporated herein by reference, to the address specified on the form. A Florida The Logo Sign Permit Application form, Form Number FLI-163, Rev. 08/04, may be obtained from the Program Administrator.

~~1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.~~

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with all required business logo signage which meets the specifications provided herein.

4. The business logo ~~sign~~ will be affixed to the display panel by the Department or its agent within 30 days of receipt of the logo sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph ~~(9)(10)(b)~~ above, and for operating hours pursuant to paragraph ~~(9)(10)(f)4.~~, and will place the business on a waiting list in each individual category in the order of the dates on which the application was ~~they were~~ received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

6. For gas, food, and lodging categories only, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

(d) Priority of Applications.

1. Each permit holder that timely applies for renewal under this rule will retain priority over other applicants, except when retaining priority would conflict with sub-subparagraph ~~(9)(10)(a)5.b.~~ paragraph (9)(b), or subparagraph ~~(9)(h)2.~~ of this rule.

2. Initial permit applications ~~received after October 10, 1996,~~ will be assigned priority based upon the date and time of receipt by the Program Administrator. The application received earliest will be given the highest priority subject to paragraph (9)(b) and subparagraph (9)(h)2. of this rule.

3. All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space has become available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date and time of receipt as an initial permit application.

4. Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) ~~Process for~~ Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the permit will be revoked.

(f) Transfers

1. Transfers are not allowed if there is:

- a. A change in both ownership and business name; or
- b. A change in category.

2. A transfer shall not change the status of the permit for a participating business or the status of a business's application on a wait list.

3. A business wishing to transfer a business logo permit or application on a wait list shall submit a completed Logo Permit Transfer Request Form, Form Number 575-070-32, Rev. 07/08, incorporated herein by reference, or a Logo Wait List Transfer Request Form, Form Number 575-070-33, Rev. 07/08, incorporated herein by reference, to the Program Administrator at the address specified on the form. A Logo Permit Transfer Request Form or a Logo Wait List Transfer Request Form may be obtained from the Program Administrator.

~~(11)(12)~~ Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if the business does not meet the eligibility requirements outlined in this rule.

(b) Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this rule ~~chapter~~ and has not received a suspension or if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.

2. Prior to revoking a logo permit, the Program Administrator shall issue by certified mail a Notice of Intent to Revoke for Noncompliance. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Intent to Revoke for Noncompliance to correct the noncompliance and present evidence to the Department of such correction.

b. If corrective action is not accomplished within the 30 day period, the revocation becomes final agency action.

c. The business logo sign shall be removed from the logo structure(s) after the revocation is final or after the entry of a Ffinal Order by the Department ~~disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S.~~ The Program Administrator shall reimburse the business for the

permit fees for the unexpired term of the business logo sign permit, on a pro rata basis. The business is required to pay the permit fee(s) on a monthly pro rata basis, for all logo signs displayed, pending final agency action or entry of a Ffinal Order by the Department ~~disposition of any request for administrative hearing.~~

(c) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in ~~subparagraph (11)(12)(b)1,~~ above, the Program Administrator shall revoke the business logo sign permit in accordance with sub-subparagraph (11)(12)(b)2.b., above.

(d) Voiding. If the Department or the Program Administrator must remove logo structures pursuant to paragraph (3)(a) and (b)~~(d)~~, the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(e) Notice. In cases of denial, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, F.S.~~

~~(e)(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.~~

~~(13) Variances and waivers. The Department will consider and act on petitions for variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), F.S., and Chapter 28-104, F.A.C.~~

~~(a) A variance will be granted under Section 479.261(7), F.S., when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure~~

equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

~~(b) When considering the standards of Section 120.542(2), F.S., the purposes of Section 479.261, F.S., will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.~~

Specific Authority 479.08, 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.08, 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, 12-25-05, 2-13-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Shields, Office of Right of Way

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin J. Thibault, Assistant Secretary for Engineering and Operations, for Stephanie C. Kopelousos, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 2008

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-501.301 Law Libraries

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-501.301, F.A.C., to reflect the change from hardcopy to electronic versions of institutional law library materials.

SUMMARY: The proposed amendments to Rule 33-501.301, F.A.C., clarify the definition of interlibrary loan, provide for consistency in law library collections, and provide for the immediate assignment of an inmate law clerk to provide legal assistance upon receipt of an interlibrary loan request.

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

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

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.301 Law Libraries.

(1) No change.

(2) Definitions.

(a) through (h) No change.

(i) Law library collection: refers to print and digital/non-print publications that include the following information: the Florida Constitution and Florida Statutes; the U.S. Constitution and U.S. Code; Florida court decisions; U.S. Supreme Court, federal circuit court, and federal district court decisions; case citation-checking that permits users to trace the status of a court decision over time or to identify related court decisions; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner’s rights. Law library collection shall also include current copies of departmental rules and regulations as provided in paragraph (5)(b).

(i) through (k) renumbered (j) through (l) No change.

~~(l) Major collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner’s rights; Florida and federal case reporters; a case citation-checking Florida and federal Shepard’s citation indexes; Florida and federal practice digests; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post-conviction and post-sentence remedies, and prisoner’s rights. Major collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (5)(b).~~

~~(m) Minor collection: refers to a law library that includes the following legal publications: an annotated edition of the Florida Statutes; Florida case reporters; Shepards Florida Citations; Florida and federal practice digests; an annotated edition of the U.S. Constitution and federal statutes governing habeas corpus and prisoner’s rights; forms manuals; and secondary source materials providing research guidance in the areas of federal habeas corpus, Florida post conviction and post-sentence remedies, and prisoner’s rights. Minor collection law libraries also maintain current copies of departmental rules and regulations as provided in paragraph (5)(b).~~

~~(m)(n)~~ No change.

~~(n)(6)~~ Open population inmates: refers to inmates housed in general population at a institution or unit with a ~~major or minor collection~~ law library and any inmates housed at satellite correctional facilities if ~~major or minor collection~~ law libraries are not located there.

~~(o)(p)~~ No change.

~~(p)~~ Primary source material: refers to ~~refers to legal research materials that constitute the law or have the force of law. These include constitutions, statutes, treaties, administrative rules, court rules, and court decisions.~~

(q) through (t) No change.

(3) Law Library Access – General.

(a) Hours of Operation. ~~Major and minor collection~~ Law libraries shall be open for inmate use a minimum of 25 hours per week, except weeks which include official state holidays. Only times that inmates have access to the law library collection and inmate law clerks, or when inmate law clerks are providing research assistance to close management, death row, other special status populations, shall be counted. The law library’s operating schedule shall be designed to permit inmates access to legal materials consistent with:

1. through 4. No change.

(b) through (h) No change.

(4) No change.

~~(5) Major and Minor Collection Law Libraries Collections.~~

~~(a) Major or minor collection~~ Law libraries shall be established at all institutions and satellite correctional facilities housing more than 500 inmates. ~~In determining whether a major collection shall be established at an institution, consideration shall be given to the following factors:~~

~~1. Population level;~~

~~2. Age of the inmate population;~~

~~3. The transitory nature of the institution’s inmate population;~~

~~4. The institution’s proximity to other facilities with major collections;~~

~~5. Whether the institution has one or more of the following housing categories:~~

~~a. Protective management;~~

~~b. Close management; or~~

~~c. Death row.~~

~~(b) Major and minor collection~~ Law libraries shall maintain current copies of the following departmental rules and regulations:

1. through 2. No change.

(c) Law libraries ~~Major and minor collections~~ shall be maintained in a current condition by annual subscription service. The library services administrator shall be responsible for ensuring that all legal collections are current and complete.

(d) Law collections shall not be established at work release centers or other community-based facilities. Inmates at those facilities shall secure legal assistance by means of correspondence with a law library ~~major or minor law collection~~, by visits with attorneys, or by transportation or temporary transfer to an institution with a law library ~~major or minor law collection~~.

(e) The contents of legal collections shall be reviewed annually by the library services administrator to ensure continued compliance with applicable federal and state laws and American Correctional Association standards. When the library services administrator believes that titles need to be added or deleted from the collections, he or she shall make such recommendation to the chief of the bureau of institutional programs. If the recommendation is approved, the material shall be ordered and placed in ~~the appropriate~~ law library collections.

(f) Requests for the addition or deletion of titles in ~~major and minor~~ law library collections shall be submitted in writing to the library services administrator in the central office. The library services administrator shall review all requests and make a recommendation to the chief of the bureau of institutional programs. Requests shall be reviewed according to the material’s primary research value and whether it substantively provides additional information, or merely duplicates what is in the current collection. If the recommendation is approved, the materials shall be ordered and placed in ~~the appropriate~~ law library collections.

(g) Each ~~minor and major collection~~ law library shall maintain a list of all titles in the collection at the law library’s circulation counter and shall make it available to inmates upon request.

(6) Interlibrary Loan Services ~~for Law Libraries.~~

~~(a) Major collection law libraries shall provide research assistance to minor collection libraries and to inmates housed at satellite correctional facilities without law libraries. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance. Form DC5-152 is incorporated by reference in subsection (11) of this rule. All assistance that can be provided through use of that institution’s major collection shall be completed within 3 working days of receipt, not including the day of receipt, except where the request requires the researching of complex or multiple legal issues or is so broad in scope that work cannot be initiated without further information from the requesting inmate.~~

~~(b) Inmates at facilities with minor collection law libraries who need access to legal research materials only available in major collection law libraries, shall submit Form DC5-152, Law Library Interlibrary Loan Request, for the material or assistance to the law library supervisor. Within two working days of receipt of Form DC5-152, not including the day of~~

receipt, the law library supervisor shall forward the request to the law library supervisor at a major collection law library for completion.

(a)(e) Inmates at satellite correctional facilities without law libraries, who need access to legal materials in law library collections ~~major or minor collection law libraries~~, shall submit Form DC5-152, Law Library Interlibrary Loan Request, or Form DC6-236, Inmate Request, to the law library supervisor at the main unit of the institution. Form DC5-152 is incorporated by reference in subsection (11) of this rule.

1. On receipt of Form DC5-152, Law Library Interlibrary Loan Request, the law library supervisor shall immediately assign an inmate law clerk to provide legal assistance.

~~2.1~~ No change.

~~3.2~~ If the law library does not have the information that the inmate has requested, then within 2 working days of receipt, not including the day of receipt, the law library supervisor shall forward the request to an institutional law library that has the requested information ~~the law library supervisor at a major collection law library for completion. If no institutional law library has the requested information, the law library supervisor shall process the request as provided in paragraph (6)(b).~~

(b)(d) Inmate requests to secure law materials not in the department's law ~~major collection~~ libraries shall be submitted to the library services administrator for review and approval. Only requests for primary source materials, ~~such as statutes, rules, and court decisions~~ shall be approved.

1. through 2. No change.

(e) through (g) renumbered (c) through (e) No change.

(7) Use of Inmates as Clerks in Law Libraries.

(a) Inmate library clerks: ~~major and minor collection~~ law libraries shall be assigned inmates as library clerks to perform work of a clerical nature. Duties of library clerks include circulating legal materials, maintaining law library files, keeping the law library clean and orderly, and assisting the law library supervisor in collecting statistics, preparing reports and correspondence, and other job tasks related to program operations. Library clerks who are assigned only such work shall not be required to complete the law clerk training program. Inmates assigned as library clerks shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(b) Inmate law clerk trainees: inmates who have no formal training in legal research and who wish to work as inmate law clerks in ~~major and minor collection~~ law libraries shall be assigned as law clerk trainees, and shall be required to attend and successfully complete the law clerk training program. Inmates assigned as law clerk trainees shall not assist inmates in the preparation of legal documents and legal mail, and shall not be assigned to conduct confinement visits unless accompanied by an inmate law clerk.

(c) Inmate law clerks: ~~major and minor collection~~ law libraries shall be assigned inmates as inmate law clerks to assist inmates in the research and use of the law library collection, and in the drafting of legal documents, legal mail, administrative actions filed with the Florida Parole Commission, the Florida Bar, and other administrative bodies, and inmate grievances filed with the Department of Corrections. A minimum of 2 inmate law clerks shall be assigned to ~~major and minor collection~~ law libraries in adult institutions, and a minimum of 1 inmate law clerk shall be assigned to ~~minor collection~~ law libraries in youthful offender institutions. Institutions shall assign additional inmate law clerks to the law library as needed to ensure that illiterate and impaired inmates are provided research assistance.

(d) through (m) No change.

(n) The law library supervisor at the institution from which an inmate is transferred may authorize an inmate law clerk at that institution to continue assistance to the transferred inmate on a pending matter if the inmate's new institution or facility does not have a ~~major or minor collection~~ law library and the inmate requests continued assistance in writing.

(o) through (q) No change.

(8) No change.

(9) Grievance and Court Forms.

(a) ~~Major and minor collection~~ Law libraries shall provide inmates access to Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates shall not be required to submit a Form DC6-236, Inmate Request, in order to secure grievance forms. Inmates who request more than 5 grievance forms at a time may be required to explain how the forms will be used.

(b) ~~Major and minor collection~~ Law libraries shall provide inmates access to court-approved forms needed to file Rule 3.850, Florida Rules of Criminal Procedure, post-conviction relief petitions with the Florida courts. Federal habeas corpus, affidavits of insolvency, and civil rights complaint forms shall only be supplied if copies of the forms are provided to the law library by the federal courts. In all instances, law libraries are obligated to provide only 1 copy of the form. If additional copies are required for submission to the courts, the inmate shall secure them using the procedures established in Rule 33-501.302, F.A.C.

(10) All institutions having ~~major and minor~~ law libraries shall prepare a monthly law library report detailing at a minimum the days and hours that the law library was open to inmate use, the circulation of law library materials, the volume of legal services provided to inmates, the number of inmate law clerks on staff, and legal materials added to the law library collection during the month. This report shall be submitted to the library services administrator by the tenth day of each

calendar month for the previous month’s activities. The library services administrator shall be responsible for developing the report and disseminating it to law libraries.

(11) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History–New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-503.001
RULE TITLE: Chaplaincy Services
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the meaning of the term ‘religious publications’.

SUMMARY: Religious publications are defined to include sacred texts, prayer books and devotional literature.

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

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

SPECIFIC AUTHORITY: 944.09, 944.11, 944.803 FS.
LAW IMPLEMENTED: 20.315, 90.505, 944.09, 944.11 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-503.001 Chaplaincy Services.
- (1) through (12) No change.
- (13) Religious Publications.

(a) Inmates shall have access to religious publications through the chapel or institutional library or as provided through the Chaplain.

(b) The Chaplain shall assist inmates in obtaining personal copies of religious books and periodicals, subject to rules of the Department of Corrections and the local institution.

(c) Religious publications shall include the following:

- 1. Sacred texts – defined as the primary religious documents from which the standards of the faith are derived.
- 2. Prayer books – defined as the instructional material, prayers and liturgies for the observation of holy rituals, services and personal devotion;
- 3. Devotional literature – defined as religious commentary, personal instruction in the faith, and sermon type material.

Specific Authority 944.09, 944.11, 944.803 FS. Law Implemented 20.315, 90.505, 944.09, 944.11 FS. History–New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alex Taylor, Chaplaincy Services Administrator
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-4.1140
RULE TITLE: Limiting Conditions on Permits
PURPOSE AND EFFECT: The purpose of the proposed rule is to amend a limiting condition on permits as it pertains to operation and maintenance of stormwater systems. The effect of the proposed rule amendments will be to establish a more efficient system relating to operation and maintenance inspections of stormwater systems.

SUMMARY: This proposed rule development will amend a limiting condition on permits as it pertains to operation and maintenance inspections of stormwater systems by requiring maintenance to be completed once it is discovered that such maintenance is necessary. The amended rule will also require that a maintenance report shall be filed within 15 days of completion.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.117, 373.171 F.S.
LAW IMPLEMENTED: 373.084, 363.085, 373.117, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1140 Limiting Conditions on Permits.

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

(j) After transfer of a permit to operation and maintenance by the permittee or his agent and upon discovery by District of maintenance required, permittee shall perform such maintenance as instructed by District within the timeframe specified in the District's notice. Following completion of the maintenance, permittee shall file a report with the District within 15 days. This shall be retroactive for all projects permitted under Chapters 40B-4 and 40B-400, F.A.C. Except for General Permits After Notice or permits issued to a unit of government, or unless a different schedule is specified in the permit, the system shall be inspected at least once every third year after transfer of a permit to operation and maintenance by the permittee or his agent to ascertain that the system is being operated and maintained in a manner consistent with the permit. A report of inspection is to be sent to the district within 30 days of the inspection date. If required by Chapter 471, F.S., such inspection and report shall be made by an engineer.

Specific Authority 373.044, 373.113, 373.117, 373.171 FS. Law Implemented 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS. History--New 9-25-85, Amended 2-1-89, 12-22-92, 9-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.:

64V-1.011

64V-1.015

RULE TITLES:

Burial-Transit Permit to be Issued

Termination of Pregnancies;

Reporting

PURPOSE AND EFFECT: Rule on Burial-Transit Permit is being amended to develop an electronic permit which will be generated from the Florida's Electronic Death Registration System. The system is completely electronic and the report is printed to accompany the body for final disposition of the remains. Rule on reporting of terminations of pregnancy being repealed as responsibility for collection transferred to the Agency for Healthcare Administration.

SUMMARY: Implementing an electronic method of issuance of a burial-transit permit improves the quality of services provided by the Office of Vital Statistics to funeral directors. Reporting of terminations of pregnancies to be submitted to Agency for Healthcare Administration, as agreed upon between the two agencies and their Rule 59A-9.034, F.A.C., has been amended to address the change in reporting.

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

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

SPECIFIC AUTHORITY: 382.003(7), (10), 382.006, 381.0011(13) FS.

LAW IMPLEMENTED: 382.006, 382.003(7), 390.0112 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: August 18, 2008, 1:00 p.m.

PLACE: 1217 Pearl Street, Boorde Bldg., Rm. 420, Jacksonville, FL 32202

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: Kevin Wright, Operations Manager, (904)359-6900, ext. 1004. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Wright, Operations Manager, P. O. Box 210, Jacksonville, FL 32231-0042, (904)359-6900, ext. 1004

THE FULL TEXT OF THE PROPOSED RULES IS:

64V-1.011 Burial-Transit Permit to be Issued.

An application for Burial-Transit Permit, DH Form 326, Aug. 97, hereby incorporated by reference, and available from the Florida Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042 ~~department~~, shall be completed in accordance with Section 382.006, F.S., and submitted to the local registrar of the registration district where the death or fetal death occurred or to a subregistrar, by the person acting as the funeral director. The local registrar or subregistrar upon approval of such application shall issue a Burial-Transit Permit, DH Form 326, Aug. 97, to dispose of the body or fetus, and forward a copy of the permit to the local registrar within 24 hours after issuance provided a Certificate of Death, DH Form 512, which is incorporated in Rule 64V-1.008, F.A.C., or Certificate of Fetal Death, DH Form 428, which is incorporated in Rule 64V-1.008, F.A.C., completed in accordance with Section 382.008, F.S., accompanies the application. An electronic Burial-Transit Report, DH Form 326E, Jan. 08, hereby incorporated by reference and printed from the Department's electronic death registration system may be used in lieu of a Burial-Transit Permit, DH Form 326.

Specific Authority 382.003(7), (10), 382.006 FS. Law Implemented 382.006 FS. History—New 1-1-77, Formerly 10D-49.25, Amended 10-1-88, 4-18-96, Formerly 10D-49.025, Amended 11-11-98,

64V-1.015 Termination of Pregnancies; Reporting.

Specific Authority 381.0011(13) FS. Law Implemented 382.003(7), 390.0112 FS. History—New 11-11-98, Amended 7-18-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Wright, Operations Manager, P. O. Box 210, Jacksonville, FL 32231-0042, (904)359-6900, ext. 1004
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros, Secretary of Health
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001 RULE TITLE: Division of Cultural Affairs

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 20, May 16, 2008 issue of the Florida Administrative Weekly.

IT-1.001 Division of Cultural Affairs.

(1) through (2) No change.

(a) Art in State Buildings Program. This program acquires artwork for public display in the interior or exterior of state buildings, in accordance with Section 255.043, Florida Statutes. State agencies that receive funding from the legislature for construction of new “public access” facilities shall set aside up to one-half of one percent (.5%) of their appropriation or \$100,000, whichever is less, to purchase or commission artwork. Each agency shall follow the art selection process and forms contained in the Department of State’s *Art in State Buildings Handbook* (CA2E120, eff. 9/08 ~~6/30/08~~) and, in doing so, shall report funding appropriations and submit documentation supporting its art selection process to the Department of State Florida Arts Council through the Division of Cultural Affairs. The following Arts in State Buildings Forms are ~~hereby~~ incorporated by reference and are available as part of the *Art in State Buildings Handbook* from the Department of State Division of Cultural Affairs, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, and on the Division’s web site at www.Florida-Arts.org: ASB Administrator Designation Form (CA2E121, eff. 9/08 ~~6/30/08~~), Construction Appropriation Notification Form (CA2E122, eff. 9/08 ~~6/30/08~~), Project Checklist (CA2E123, ~~eff. 6/30/08~~), User Agency Representative Designation Form (CA2E124, eff. 9/08 ~~6/30/08~~), Committee Meetings Report (CA2E125, eff. 9/08), Orientation Meeting Report (CA2E125, eff. 6/30/08), Image Review Meeting Report (CA2E126, eff. 6/30/08), Implementation Expenses Authorization Form (CA2E127, eff. 6/30/08), Artist’s Declaration Form (CA2E128, eff. 9/08 ~~6/30/08~~), Artist’s Representative Designation Form (CA2E129, eff. 6/30/08), Recommendation Reports (CA2E130, eff. 6/30/08), Finalist Review Meeting Report (CA2E131, eff. 6/30/08), Selection Detail Form (CA2E132, eff. 9/08 ~~6/30/08~~), Selection Approval Form (CA2E133, eff. 6/30/08), Artwork Inventory Sheet (CA2E134, eff. 6/30/08), and Project Completion Form (CA2E135, eff. 9/08 ~~6/30/08~~). The *Art in State Buildings Handbook* and forms are available on the Division’s web site at www.Florida-Arts.org or may be obtained from the Director of the Division of Cultural Affairs, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(2)(b) through (20) No change.