

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

DATE AND TIME: September 18, 2008, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5K-4.020 RULE TITLE: Food Permits; Requirements and Fees

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for annual permit fees charged to food establishments. Chapter 2008-107(section 5), Laws of Florida, as passed by the 2008 Legislature, authorizes an increase in fee capacity for the Department to recover the cost of services provided relative to issuance of a food permit. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety. This rule amendment further modifies the fee charged for cost recovery for reinspections. Additionally, as authorized by Chapter 2007-67 (section 2), Laws of Florida, the food permit category of Tomato Packing House is included in the schedule of fees.

SUMMARY: This rule modifies the fee schedule for annual permit fees to obtain a food permit and the reinspection fee charged to food establishments. The firm permit category of Tomato Packing House as authorized by Chapter 2007-67 (section 2), Laws of Florida, is also included.

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: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 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: September 22, 2008, 2:00 p.m. – 4:00 p.m.
 PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)488-0295. 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: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)488-0295

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) through (4)(a) No change.

(b) The following schedule of fees is established for each food permit.

| | |
|---|---------------------------|
| Bottled Water Plant | 500 |
| Bottling Plant | 385 |
| Canning Plant | <u>490</u> 410 |
| Convenience Store | 330 |
| Convenience Store with Limited Food Service | <u>430</u> 385 |
| Convenience Store with Significant Food Service | <u>475</u> 465 |
| Food Salvage Center | <u>470</u> 440 |
| Food Storage Warehouse | 355 |
| Grocery Store | <u>540</u> 465 |
| Health Food Store | 300 |
| Health Food Store with Food Service | <u>415</u> 385 |
| Limited Sales | <u>130</u> 100 |
| Meat Market | <u>455</u> 385 |
| Minor Food Outlet | 300 |
| Minor Food Outlet, Only | 190 |
| Non-perishable Foods | |
| Minor Food Outlet with Limited Food Service | <u>415</u> 355 |
| Minor Food Outlet with Significant Food Service | <u>470</u> 440 |
| Mobile Vendor | 300 |
| Packaged Ice Plant | 250 |
| Processor, Other Non-perishable Foods | <u>335</u> 330 |
| Processor, Other Perishable Foods | <u>490</u> 410 |
| Rabbit or Game Processor | <u>390</u> 330 |
| Retail Bakery | 355 |
| Retail Bakery with Food Service | <u>490</u> 440 |

| | |
|-----------------------|-------------------------------|
| Salvage Store | 470 410 |
| Seafood Market | 410 355 |
| Seafood Processor | 520 440 |
| Semi-permanent Vendor | 195 190 |
| Supermarket | 650 500 |
| Tomato Packing House | 100 |
| Wholesale Bakery | 530 465 |

(5) No change.

(6) Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$~~135~~ ~~440~~ to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection will be billed by invoice of the department and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory, and

2. No previous reinspection of the establishment has been conducted during the same calendar year.

Specific Authority 500.09, 500.12(1)(b), (f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), (f), (2), (7), 500.121, 500.15, 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04, 11-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

DEPARTMENT OF REVENUE

Miscellaneous Tax

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| RULE NO.: | RULE TITLE: |
| 12B-8.006 | State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), is to: (1) update the percentages used to determine the premium applicable to the peril of fire for the state fire marshal regulatory assessment; and (2) provide technical changes to correct the title of the "Crop Hail" premium to "Multiple Peril Crop" premium, as currently named by the National Association of Insurance Commissioners.

SUMMARY: The proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), provide new percentages that will be used to compute the state fire marshal regulatory assessment, starting with the 2008 insurance premium tax return (Form DR-908).

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: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS.

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

DATE AND TIME: September 25, 2008, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.006 State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount.

(1) through (2) No change.

(3) For purposes of the regulatory assessment, every insurer issuing policies of insurance covering the peril of fire on properties located in this State shall determine the gross amount of premium applicable to the peril of fire by multiplying the premium amounts reported on the "Exhibit of Premiums and Losses," Annual Statement, as follows:

(a) Fire, Line 1 – ninety-three percent (93 ~~90~~%).

(b) Allied Lines, Line 2.1 – five percent (5%).

(c) Multiple Peril Crop ~~Hail~~, line 2.2 – zero percent (0%).

(d) Farmowners multiple peril, Line 3 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(e) Homeowners multiple peril, Line 4 – twenty-five ~~thirty~~ percent (25 ~~30~~%).

(f) Commercial multiple peril, Lines 5.1 and 5.2 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(g) Ocean Marine, Line 8 – ten ~~twelve~~ percent (10 ~~12~~%).

(h) Inland Marine, Line 9 – twelve ~~fifteen~~ percent (12 ~~15~~%).

(i) through (k) No change.

(4) No change.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS. History—New 2-3-80, Formerly 12B-8.06, Amended 4-10-91, 2-18-93, 12-9-97, 7-31-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor Charlie Crist, and members of the Florida Cabinet, Attorney General Bill McCollum, Chief Financial Officer Alex Sink, and Agriculture Commissioner Charles H. Bronson, as agency head of the Department of Revenue

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), were noticed in the Florida Administrative Weekly on June 27, 2008 (Vol. 34, No. 16, p. 3308). A rule development workshop was held on July 15, 2008. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

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 BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

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|-------------|--------------------------------------|
| RULE NO.: | RULE TITLE: |
| 61G1-12.001 | Grounds for Disciplinary Proceedings |

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove language concerning the name of an architectural firm containing the name of an unlicensed professional engineer or non registered architect.

SUMMARY: The language restricting architectural firms from using names that contain only the name of an unlicensed person is being removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.001 Grounds for Disciplinary Proceedings.

(1) through (2) No change.

(3) An architect, interior designer, corporation or partnership shall not practice architecture or interior design under an assumed, fictitious or corporate name that is misleading as to the identity, responsibility, or status of those practicing thereunder or is otherwise false, fraudulent, misleading or deceptive within the meaning of subsection (2). The name of a professional corporation or partnership, if otherwise authorized, may include the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession. Corporate, partnership or fictitious name shall not be used or displayed except in conjunction with the word or words "architect," "architecture," or "architectural" clearly indicating that such corporation partnership or architect engages in the practice of architecture. ~~An architectural firm may not offer services to the public under a firm name which contains only the name of an individual not licensed as a professional engineer or registered architect in any state.~~

(4) through (6) No change.

Specific Authority 455.304, 481.2055 FS. Law Implemented 455.303, 455.304, 481.219, 481.225, 481.2251 FS. History-New 12-23-79, Amended 12-19-82, Formerly 21B-12.01, Amended 9-23-86, 11-8-88, Formerly 21B-12.001, Amended 2-25-98, 4-1-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:

61G18-15.005 Periodic Inspections

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update inspection times and to remove the requirement for biennial self-inspection forms.

SUMMARY: Inspection times will be updated and the requirement for biennial self-inspections forms will be removed from the rule.

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

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

SPECIFIC AUTHORITY: 474.206, 474.215 FS.

LAW IMPLEMENTED: 474.215, 455.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-15.005 Periodic Inspections.

(1) The Department shall make inspections of veterinary premises ~~on a rotating basis every two (2) five (5) years, beginning with the lowest permit numbers.~~ Such inspection shall include but not be limited to verification of compliance with Rule 61G18-15.002, F.A.C., governing minimum standards for veterinary premises.

(2) Additionally, the Department shall conduct unannounced routine inspections of one percent (1%) of the veterinary premises each year. The selection of premises to be inspected shall be made by the Department on a random basis.

~~(3) Biennial self inspection forms will be mailed by the department to each establishment holding a premises permit. The form must be completed and returned to the department within 60 days of receipt. The licensed veterinarian responsible for management of the establishment must affirm that the establishment is in compliance with Rule 61G18-15.002, F.A.C., by signing the form.~~

Specific Authority 474.206, 474.215 FS. Law Implemented 474.215, 455.243 FS. History-New 5-11-80, Amended 12-5-82, Formerly 21X-15.05, Amended 10-14-86, 3-15-87, 4-8-90, 1-27-92, Formerly 21X-15.005, Amended,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-204.800
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through June 30, 2008, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 52, 58, 60 and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, Sections 50.1 through 50.12, revised as of July 1, 2006; Section 50.13, promulgated October 17, 2006, at 71 FR 61143; ~~and~~ Section 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; and Section 50.15 promulgated, March 27, 2008, at 73 FR 16435, are adopted and incorporated by reference.

(b) The following appendices of 40 CFR Part 50, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. through 14. No change.

15. 40 CFR 50, Appendix P, Interpretation of the Primary and Secondary National Ambient Air Quality Standards for Ozone, promulgated March 27, 2008, at 73 FR 16435.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) No change.

(b) The following appendices of 40 CFR Part 51, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 51, Appendix M, Recommended Test Methods for State Implementation Plans; amended September 21, 2006, at 71 FR 55119; amended May 29, 2008, at 73 FR 30775.

2. through 4. No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004, at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327; amended November 28, 2006, at 71 FR 68743; amended October 12, 2007, at 72 FR 58016; amended April 28, 2008, at 73 FR 22818.

(4) through (5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) No change.

(b) The following appendices of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. through 4. No change.

5. 40 CFR 58, Appendix G, Uniform Air Quality Index (AQI) and Daily Reporting; amended March 27, 2008, at 73 FR 16435.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 50. No change.

51. 40 CFR 60, Subpart VV, Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; amended November 16, 2007, at 72 FR 64859; amended June

2, 2008, at 73 FR 31372; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.482-1(c)(2) and 40 CFR 60.484.

52. 40 CFR 60, Subpart VVa, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006; promulgated November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372; except that the Secretary is not the Administrator for purposes of 40 CFR 60.484a.

53. through 57. No change.

58. 40 CFR 60, Subpart GGG, Equipment Leaks of VOC in Petroleum Refineries; amended August 2, 2001, at 66 FR 40121; amended August 6, 2003, at 68 FR 46489; amended November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372.

59. 40 CFR 60, Subpart GGGa, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After November 7, 2006; promulgated November 16, 2007, at 72 FR 64859; amended June 2, 2008, at 73 FR 31372; except that the Secretary is not the Administrator for purposes of 40 CFR 60.592a(c).

60. through 79. No change.

80. 40 CFR 60, Subpart KKKK, Standards for Stationary Combustion Turbines; promulgated July 6, 2006, at 71 FR 38481.

(c) through (d) No change.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 60, Appendix A-2, Test Methods 2G through 3C; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691.

3. No change.

4. 40 CFR 60, Appendix A-4, Test Methods 6 through 10B; amended May 15, 2006, at 71 FR 28081; amended May 22, 2008, at 73 FR 29691.

5. through 6. No change.

7. 40 CFR 60, Appendix A-7, Test Methods 19 through 25E; amended May 15, 2006, at 71 FR 28081; amended September 21, 2006, at 71 FR 55119; amended May 22, 2008, at 73 FR 29691.

8. through 12. No change.

(9) through (10) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 6. No change.

7. 40 CFR 63, Subpart M, Perchloroethylene Dry Cleaning Facilities; amended June 23, 2003, at 68 FR 37333; amended July 27, 2006, at 71 FR 42723; amended September 21, 2006, at 71 FR 55280; amended April 1, 2008, at 73 FR 17252; except that the Secretary is not the Administrator for purposes of 40 CFR 63.326(c)(1) through (4).

8. through 42. No change.

43. 40 CFR 63, Subpart EEE, Hazardous Waste Combustors; amended July 3, 2001, at 66 FR 35087; amended October 15, 2001, at 66 FR 52361; amended December 6, 2001, at 66 FR 63313; amended February 13, 2002, at 67 FR 6791; amended February 14, 2002, at 67 FR 6967; amended December 19, 2002, at 67 FR 77687; amended June 23, 2003, at 68 FR 37333; amended October 12, 2005, at 70 FR 59401; amended December 19, 2005, at 70 FR 75042; amended April 20, 2006, at 71 FR 20445; amended October 25, 2006, at 71 FR 62388; amended April 8, 2008, at 73 FR 18970; except that the Secretary is not the Administrator for purposes of 40 CFR 63.1214(c)(1) through (4).

44. through 61. No change.

62. 40 CFR 63, Subpart EEEE, Organic Liquids Distribution (Non-Gasoline); promulgated February 3, 2004, at 69 FR 5038; amended April 20, 2006, at 71 FR 20445; amended July 28, 2006, at 71 FR 42897; amended April 23, 2008, at 73 FR 21825; except that the Secretary is not the Administrator for purposes of 40 CFR 63.2402(b)(1) through (4).

63. through 116. No change.

(c) through (e) No change.

(12) through (26) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07, 2-1-08, 7-1-08, 10-1-08.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.400
 RULE TITLE: Adoption of California Motor Vehicle Emissions Standards

PURPOSE AND EFFECT: The purpose and effect of the proposed new rule section is to implement emission standards for new passenger cars, light-duty trucks, and medium-duty vehicles. The proposed rule establishes low emission vehicle standards and greenhouse gas standards. As required by the

Clean Air Act, the proposed motor vehicle emission standards are identical to the California standards, and the proposed rule incorporates by reference many sections of title 13 of the California Code of Regulations. The proposed rule exempts emergency vehicles, military vehicles, specially constructed vehicles (kit cars), and vehicles designed exclusively for off-road use.

Implementation of the proposed rule will begin no sooner than two model years after the U.S. Environmental Protection Agency (EPA) grants a waiver (i.e., approves) California's greenhouse gas standards. Prior to implementation, Florida legislation ratifying this rule must also be effective.

SUMMARY: This proposed rule will require that new motor vehicles delivered to Florida for sale, lease, or rent meet emission standards, including a fleet-wide average emission standard for greenhouse gases.

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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: September 25, 2008, 9:00 a.m., before the Environmental Regulation Commission (ERC). Any proposed amendment or other comments or objections should be presented in accordance with paragraph 62-110.103(2)(b), F.A.C.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. 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: Mr. Greg DeAngelo at (850)921-9548 or gregory.deangelo@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-285.400 Adoption of California Motor Vehicle Emission Standards.

(1) Florida LEV Program. The Department of Environmental Protection (Department) adopts this rule to establish a Florida low emission vehicle (LEV) program that implements California motor vehicle emission standards pursuant to s. 177 of the Clean Air Act. This rule refers to many sections of chapter 1, division 3, title 13 of the California Code of Regulations (CCR), adopted and incorporated by reference at subsection 62-285.400(9), F.A.C. This rule also includes provisions specific to implementation in Florida.

(2) Definitions. For purposes of the Florida LEV program, unless the context clearly indicates otherwise, the following words and phrases have the following meanings:

(a) "Affected Motor Vehicle" – A "passenger car," "light-duty truck," or "medium-duty vehicle" (as those terms are defined in CCR s. 1900) that has never had its title transferred to a person purchasing the vehicle for a purpose other than resale; and that is from any model year, two model years after the model year in existence when both of the following conditions are met:

1. The U.S. Environmental Protection Agency (EPA) grants a waiver for the greenhouse gas standards in CCR s. 1961.1, pursuant to s. 209(b) of the Clean Air Act; and

2. Any Florida legislation ratifying this rule is effective.

(b) "Emergency Vehicle" – A vehicle manufactured for use by fire departments or fire patrols; by police forces; or by ambulatory or other emergency services.

(c) "Military Vehicle" – A vehicle manufactured for military use.

(d) "Model Year" – The manufacturer's annual production period which includes January 1 of a calendar year or, if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture is the date of completion of the chassis.

(e) "Specially Constructed Vehicle" – A vehicle which is built for private use, not for resale, or is built to resemble a vehicle that is 25 years old or older, and which is built from kits, new parts, used parts, or a combination of new and used parts.

(3) Applicability, Prohibitions, and Exemptions.

(a) Each motor vehicle manufacturer, factory branch, distributor, or importer shall comply with the sections of the CCR incorporated in subsection 62-285.400(9), F.A.C.

(b) A motor vehicle manufacturer, factory branch, distributor, or importer may not deliver an affected motor vehicle to Florida for sale, lease, or rent unless the vehicle has been certified to the California emission standards as incorporated in subsection 62-285.400(9), F.A.C., or is exempt pursuant to paragraph 62-285.400(3)(c), F.A.C.

(c) The following vehicles are not subject to this rule: emergency vehicles, military vehicles, specially constructed vehicles, and vehicles designed exclusively for off-highway use.

(4) Fleet Average Emissions and Reporting.

(a) Fleet Average Emission Requirements.

1. Each motor vehicle manufacturer's fleet average emissions of non-methane organic gases (NMOG) from affected motor vehicles delivered to Florida for sale, lease, or rent must meet the fleet average NMOG emission requirement set forth in CCR s. 1961.

2. Each motor vehicle manufacturer's fleet average emissions of greenhouse gases from affected motor vehicles delivered to Florida for sale, lease, or rent must meet the fleet average greenhouse gas emission requirement set forth in CCR s. 1961.1.

(b) Credits and Debits. Each motor vehicle manufacturer will accrue emission credits and debits based on the number of affected motor vehicles delivered to Florida for sale, lease, or rent, and calculated in accordance with the procedures of CCR ss. 1961 and 1961.1.

(c) Manufacturer's Annual Report. Each motor vehicle manufacturer must submit an annual report (manufacturer's annual report) to the Department which sets forth the data used to establish compliance with the fleet average emission requirements for NMOG and greenhouse gases. The manufacturer's annual report must include documentation of the accrual of emission credits or debits. The manufacturer's annual report must also include pre-model year data that projects the NMOG and greenhouse gas fleet average emissions for vehicles expected to be delivered to Florida for sale, lease, or rent during the upcoming model year. The manufacturer's annual report is due March 1 of the calendar year following the close of the model year.

(d) Fleet Average Remediation Report. If the manufacturer's annual report demonstrates that the manufacturer is not in compliance with a fleet average emission requirement, then the manufacturer must submit a fleet average remediation report by May 1 of the calendar year following the close of the model year. The fleet average remediation report must contain the following:

1. A description of how the manufacturer intends to equalize any accrued debits, as required in CCR s. 1961 or s. 1961.1.

2. Identification of all vehicle models delivered to Florida for sale, lease, or rent, their corresponding certification standards, and the percentage of each model delivered to Florida and to California for sale, lease, or rent in relation to total fleet sales in the respective states.

3. A description of how the manufacturer plans to achieve compliance with the fleet average emission requirement in future model years.

(5) Warranties.

(a) Each motor vehicle manufacturer must provide, for all affected motor vehicles, a warranty that complies with the requirements of CCR ss. 2035, 2037, 2038, 2040, and 2046.

(b) For all affected motor vehicles, each motor vehicle manufacturer must include an emission control system warranty statement that complies with the requirements of CCR s. 2039. Manufacturers may modify this statement as necessary to inform Florida consumers of the warranty's applicability. The manufacturer must provide a telephone number that Florida consumers can use to learn answers to warranty questions.

(c) Each motor vehicle manufacturer must include, in the emission control system warranty statement required by paragraph 62-285.400(5)(b), F.A.C., information that clarifies what the warranty does and does not cover. This information must also explain what maintenance work can be performed at an independent or non-dealer repair shop while still maintaining the warranty.

(6) Recalls. Any emission-related recall campaign initiated by a motor vehicle manufacturer pursuant to CCR ss. 2109 through 2135 must extend to all applicable motor vehicles in Florida. The motor vehicle manufacturer must send Florida consumers a notice that complies with the requirements of CCR s. 2118 or s. 2127. The motor vehicle manufacturer must provide a telephone number that Florida consumers can use to learn answers to questions about any recall applicable to motor vehicles in Florida.

(7) Additional Recordkeeping and Reporting Requirements. Each motor vehicle manufacturer, factory branch, distributor, and importer must submit to the Department one copy of the California Executive Order and Certificate of Conformity relating to certification of new motor vehicles for each engine family to be delivered to Florida for sale, lease, or rent. This information may be submitted electronically. Motor vehicle manufacturers, factory branches, distributors, or importers are not required to submit a copy of any California Executive Order or Certificate of Conformity that is readily available to the public, such as one provided on a web page.

(8) Zero Emission Vehicles. [Reserved]

(9) Incorporation by Reference.

(a) For purposes of applying the incorporated sections of the CCR, "California" means "Florida," including in the context of "produced and delivered for sale," "placed in service," and "annual sales," unless otherwise specified in this rule or the application is clearly inappropriate. "California Air Resources Board" and "Executive Officer" mean the California Air Resources Board and its Executive Officer.

(b) The following sections of title 13 of the CCR, revised as of the indicated date (month/day/year), are adopted and incorporated by reference:

1. 1900, Definitions. (01/01/2006).

2. 1956.8(g) and (h), Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy-Duty Engines and Vehicles. (01/04/2008).

3. 1960.1, Exhaust Emission Standards and Test Procedures – 1981 through 2006 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. (03/26/2004).

4. 1960.5, Certification of 1983 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for Sale in California. (10/16/2002).

5. 1961, Exhaust Emission Standards and Test Procedures – 2004 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. (06/16/2008).

6. 1961.1, Greenhouse Gas Exhaust Emission Standards and Test Procedures – 2009 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. (01/01/2006).

7. 1962, Zero-Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. (03/26/2004).

8. 1962.1, Electric Vehicle Charging Requirements. (07/24/2002).

9. 1965, Emission Control and Smog Index Labels – 1979 and Subsequent Model-Year Motor Vehicles. (06/16/2008).

10. 1968.1, Malfunction and Diagnostic System Requirements – 1994 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. (11/27/1999).

11. 1968.2, Malfunction and Diagnostic System Requirements – 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. (11/09/2007).

12. 1968.5, Enforcement of Malfunction and Diagnostic System Requirements for 2004 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines. (11/09/2007).

13. 1976, Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions. (01/04/2008).

14. 1978, Standards and Test Procedures for Vehicle Refueling Emissions. (01/04/2008).

15. Chapter 1, article 6, Emission Control System Warranty, s. 2035, ss. 2037 through 2040, and s. 2046. (11/09/2007).

16. 2109, New Vehicle Recall Provisions. (11/30/1983).

17. Chapter 2, article 2.1, Procedures for In-Use Vehicle Voluntary and Influenced Recalls, ss. 2111 through 2120. (01/04/2008).

18. Chapter 2, article 2.2, Procedures for In-Use Vehicle Ordered Recalls, ss. 2122 through 2133 and s. 2135. (01/04/2008).

19. Chapter 2, article, Procedures for Reporting Failures of Emission-Related Components, ss. 2141 through 2149. (01/04/2008).

20. Chapter 4.4, Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks, s. 2235. (09/17/1991).

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Mike Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2008

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-170.0144
RULE TITLE: Public Hurricane Loss Projection Model – Fee Schedule

PURPOSE AND EFFECT: To implement section 18 of Chapter 2008-66, Laws of Florida, to establish a fee schedule for access and use of the Public Hurricane Loss Projection Model by Residential Property Insurers.

SUMMARY: The rule will set the fees to be charged for the access and use of the Public Hurricane Loss Projection Model.

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: 627.06281 FS.

LAW IMPLEMENTED: 627.06281 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: September 23, 2008, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stephen Fredrickson, Assistant General Counsel, Office of Insurance Regulation, E-mail steve.fredrickson@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen Fredrickson, Assistant General Counsel, Office of Insurance Regulation, E-mail steve.fredrickson@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0144 Public Hurricane Loss Projection Model – Fee Schedule.

(1) This rule establishes the procedure and fee schedule, applicable to residential property insurers, for access and use of the Public Hurricane Loss Projection Model, authorized by Section 627.06281, F.S.

(2) A residential property insurer that elects to access and use the Public Hurricane Loss Projection Model shall file a request, and set up an account with, Florida International University at <http://irene.cs.fiu.edu:8080/hldms/>. The fees charged for access and use of the Model shall be computed as follows: Fee = \$2,400 + 0.03xPOL1 + 0.015xPOL2 +.005xPOL3 where POL1, POL2, POL3 are number of policies (records) in the policy file. POL1 is equal to number of policies from 1 to 200,000. POL2 is equal to number of policies in excess of 200,000 with maximum of 400,000 (i.e. POL2=N-200,000 where N is between 200,000 and 400,000). POL3 is equal to policies in excess of 400,000.

Specific Authority 627.06281 FS, Law Implemented 627.06281 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Brown, Office of Insurance Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 1S-2.009 | Constitutional Amendment by Initiative Petition |
| 1S-2.0091 | Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification |

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|-----------|---|
| 1S-2.0095 | Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification |
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NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly. Date Notice of Proposed Rule Development Published in the Florida Administrative Weekly (FAW): July 3, 2008.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 5C-29.001 | Definitions |
| 5C-29.002 | General Requirements for Movement of Sheep and Goats |
| 5C-29.003 | Recordkeeping Requirements for Identification of Sheep and Goats |
| 5C-29.004 | Scrapie Free Flock/Herd Certification Programs |
| 5C-29.005 | Scrapie Monitoring and Surveillance |
| 5C-29.006 | Scrapie Flock/Herd Clean-up Plans |
| 5C-29.007 | Florida Scrapie Certification Board |
| 5C-29.008 | Materials |

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. 25, June 20, 2008 issue of the Florida Administrative Weekly.

The following changes were made to the rule text:

5C-29.001-.008:

1. The reference to Section 585.007, F.S. under *Specific Authority* has been deleted from Sections 5C-29.001-.008.

5C-29.001(17):

1. The phrase “or equivalent state meat inspection program” has been deleted.

2. The reference to the Federal Meat Inspection Act has been changed from “21 U.S.C. 601 *et seq.*” to “21 U.S.C. §§ 601-695”.

5C-29.007:

1. F.S. 585.11(1)(b) and F.S. 570.07(15) have been added to *Law Implemented*.

2. “State Certification Board” has been changed to “State Scrapie Certification Board.”

5C-29.008(1):

1. “-79.6” has been deleted from “9 C.F.R. §§ 79.2 – 79.6” and restated as “9 C.F.R. § 79.2.”

5C-29.008(4):

1. The reference to the Federal Meat Inspection Act has been changed from “21 U.S.C. 601 *et seq.*” to “21 U.S.C. §§ 601-695”.