NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief of Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2010

Section III Notices of Changes, Corrections and Withdrawals

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NO.:	RULE TITLE:
27N-3.001	State ENERGY STAR Appliance
	Rebate Program
	NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 35, September 3, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-602.206	Emergency Management
	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. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly.

33-602.206 Emergency Management.

(1) Definitions.

(a) Incident Command System (ICS) – where used herein, any assault, bomb threat, employee strike, escape, evacuation, fire, hazardous material or chemical spill or leak, hostage situation, medical emergency, natural or man-made disaster, pandemic, riot or disorder, or any other significant event requiring departure from normal operations a standard operating procedure that can be employed in establishing command in a correctional setting during any incident or event outside of normal operations and that provides a means for the effective management of personnel and resources that respond to the incident as it escalates. (b) Incident commander – the individual assuming and having responsibility for the management of all incidents and events outside of normal operations.

(c) Emergency Action Center (EAC) refers to the unit located in the central office charged with receiving reports regarding incidents from Department of Corrections' facilities and reporting the information to the proper authorities. This unit also receives requests for criminal histories, warrant confirmations, and offender location requests from law enforcement agencies throughout the United States National Incident Management System (NIMS) a system created under Homeland Security Directive #5 (February 2003) that directs the comprehensive, national approach to incident management by federal, state, territorial, tribal, and local responders.

(2) The department will respond to all emergencies using ICS in conjunction with NIMS.

(2)(3) The department will ensure that there are critical incident response plans in place at each facility that houses inmates.

(3)(4) Upon determining that <u>an</u> a critical incident has occurred or is about to occur, the incident commander shall immediately notify the department's Emergency Action Center, the appropriate prison inspector, and then the regional director. The regional director or designee shall in turn immediately notify the Office of the Secretary, and the Secretary or designee shall notify the Office of the Governor and appropriate central office personnel. Notification shall include the essential facts of the situation, and persons notified shall be kept informed of new developments as they occur by the same process.

(5) The following tactical priorities shall govern the measures taken to resolve <u>an a critical</u> incident:

(a) Provide for the safety, accountability, and welfare of the public, personnel, and inmates. This priority is ongoing throughout the incident.

(b) Stabilize, isolate, and contain the incident and provide for preservation of life, property, and order.

(c) Remove endangered persons and obtain treatment for the injured.

(d) Conserve expenses and damage to property.

(e) Resolve the incident and return the institution to normal operations.

(f) Ensure the identification, arrest, and prosecution of persons violating the law.

(6) Force may be used to restore order subject to the provisions of Rule 33-602.210, F.A.C.. No personal weapons or ammunition of any kind will be used except as specifically authorized by the incident commander.

(7) Until order is restored no employee shall give any information to the news media without the authority of the incident commander, regional director, or Secretary. News media representatives shall not be allowed to enter any area where active rioting is taking place. The incident commander has the responsibility of advising the news media of appropriate information, with the advice and assistance of the director of the Office of Communications.

(8) There shall be no bargaining with or concessions to inmates who continue in a state of revolt or insurrection. An appropriate official may talk to and attempt to reason with the rebellious inmates in an attempt to regain control by peaceful means. Demands of inmates that they be permitted to negotiate only with the Governor, news media, or other specified party will be refused.

(9) Dealing with inmate leaders in regard to hostages will be handled by the incident commander or other designated, trained officials of the institution or department. Immediate efforts will be directed toward the liberation of said hostages without undue delay. Any employee taken hostage has no authority regardless of his rank or position while he is a hostage. An inmate(s) who demands to be released from custody by threatening to do bodily harm to a hostage if he is not released will not be released, even if all efforts to secure the hostage fail.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.34, 944.43, 944.44, 944.45 FS. History–New 11-3-82, Formerly 33-3.16, 33-3.016, Amended_____.

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

Beaches and Coastal Systems

 RULE NO.:
 RULE TITLE:

 62B-41.005
 Policy and Eligibility Criteria for Coastal Construction Permits

 SECOND 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. 36, No. 35, September 3, 2010 and Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits.

(1) through (16) No change.

(17) If the proposed coastal construction is reasonably likely to have adverse impacts to the coastal system, then the applicant shall revise the project design to avoid or minimize those impacts to the greatest extent practicable. After all practicable revisions have been made to avoid and minimize impacts, \dot{a} any remaining adverse impacts shall be offset by a mitigation plan that has been proposed by the applicant.

(18) No change.

Rulemaking Authority No change Law Implemented No change.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on December 16, 2010, the South Florida Water Management District (SFWMD), received a petition for Variance (Application 101216-7) from Pelican Cove Property Owner's Association, Inc. for a project known as Pelican Cove, Palm Beach County, FL. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Water Resource Regulation Department, during the normal business hours of 8:00 a.m. to 5:00 p.m.,