

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

1. Subsection (1) shall now read as follows:

(1) An applicant for certification by examination or by endorsement shall submit a complete application on the form prescribed by the Department of Business and Professional Regulation together with all supporting data. The application shall be submitted to the Department and accompanied by the appropriate fee. Any application that is not complete within one year from date of initial filing will be closed. Copies of the application and other forms required can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771 or at: http://www.myflorida.com/dbpr/pro/elboard/documents/eclb_exam_enterable.pdf.

2. Subsection (2) shall now read as follows:

(2) For re-examination on the Technical/Safety examination, a retake exam application must be submitted on a form provided by the Department. The retake exam application may be obtained at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/eclb4457_enterable.pdf. For the second and third examination attempts on the Business Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001 RULE TITLE: Specialty Electrical Contractors
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-14.0039 RULE TITLE: Recreational Grouper Seasons
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 17, April 29, 2011 issue of the Florida Administrative Weekly.

The above proposed rule should have stated that the 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 of correction to: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

Substantially affected persons may within 14 days of the date of this notice of correction, 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: 68B-14.004 RULE TITLE: Recreational Amberjack Season
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 17, April 29, 2011 issue of the Florida Administrative Weekly.

The above proposed rule should have stated that the 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 of correction to: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

Substantially affected persons may within 14 days of the date of this notice of correction, 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.

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5BER11-2 RULE TITLE: Mediterranean Fruit Fly Eradication – Broward County, FL

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Mediterranean fruit fly, commonly referred to as Medfly, is one of the most destructive pests of citrus and other known fruits and is the most important and widespread pest in the fruit fly group. Medfly attacks more than 260 different fruits and vegetables. In Florida, the pest has been eradicated twelve times, including five major outbreaks. A

total of eleven Medflies have been identified from detection traps located on four properties in Pompano Beach, Broward County. If immediate action is not taken to eradicate Medflies from the Pompano Beach area, they will continue to spread and affect agriculture production areas resulting in millions of dollars in production losses and control costs, and impacting consumers through increased prices in the market place. In view of these specific facts and reasons, and in accordance with the constitutional authority conferred upon the Commissioner of Agriculture by the Florida Constitution, Article IV, Section 4, and authorized by Sections 570.07(21) (to declare an emergency) and 581.031(7) (to declare a quarantine), Florida Statutes, the Commissioner of Agriculture does hereby find that an immediate danger to the public health, safety and welfare exists and declares a quarantine area for host plants and regulated articles as set forth in the emergency rule hereby promulgated.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under this emergency because immediate action must be taken to eradicate the Mediterranean fruit fly from Broward County before the infestation spreads. If immediate action is not taken, eradication costs will rise dramatically due to the increased area that will then need treatment. If the Mediterranean fruit fly continues to spread unchecked, it will cause substantial damage to fruit-bearing plants in home gardens and ultimately will spread into agricultural production areas where it will cost millions of dollars in control costs, lost production, and increased consumer prices in the marketplace.

SUMMARY: This emergency rule establishes a quarantine area; provides definitions, the certification requirements for hosts or regulated articles, the criteria for establishing treatment areas, treatment procedures, mitigative measures and the criteria for declaring a Mediterranean fruit fly emergency.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Richard Gaskalla Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, Florida 32614-7100, phone: (352)372-3505

THE FULL TEXT OF THE EMERGENCY RULE IS:

5BER11-2 Mediterranean Fruit Fly Eradication – Broward County, FL.

(1) Definitions. For the purpose of this rule, the definitions in Section 581.011, Florida Statutes, and the following definitions shall apply:

(a) Department. The Florida Department of Agriculture and Consumer Services.

(b) EPA. The United States Environmental Protection Agency.

(c) Mediterranean fruit fly. Any life stage of the insect *Ceratitis capitata* (Wiedemann) (Insecta: Diptera: Tephritidae).

(d) Host. All fruit (including nuts, dates and berries), vegetables and the fruiting bodies of wild and cultivated plants which are capable of infestation by any life stage of the species of fruit fly defined in paragraph (1)(c).

(e) Infested. Actually harboring a Mediterranean fruit fly in any of its life stages.

(f) Regulated articles. Any article, including soil, capable of transporting or harboring a Mediterranean fruit fly.

(g) USDA. United States Department of Agriculture, Animal and Plant Health Inspection Service.

(2) Purpose. The purpose of this rule is to establish procedures for conducting a program to eradicate the Mediterranean fruit fly from Broward County Florida. This rule designates the size of the quarantine area in Broward County, as provided for in Section 581.031(7), Florida Statutes, and the requirements for the movement and certification of hosts and regulated articles within and out of regulated areas in Broward County. It designates the size of treatment areas in Broward County and the procedures for conducting treatments, outlines program mitigative measures, and sets forth the requirements for declaring eradication.

(3) Declaration. Pursuant to Section 581.031(6), Florida Statutes, the Mediterranean fruit fly as defined in paragraph (1)(c) of this rule is declared to be a plant pest and a public and agricultural nuisance. It's detection in the Broward County endangers or threatens the horticultural, agricultural, environmental, and public interests of the county and ultimately the state and constitutes an emergency in accordance with Section 581.111, Florida Statutes.

(4) Quarantine area. A minimum 81 square mile area around each Mediterranean fruit fly detection point in Broward County shall be quarantined upon finding two adults within one mile of each other and within a life cycle (approximately 30 days), one gravid female, a larva, or a pupa. The geographical boundaries of the quarantine area shall be published in a major newspaper of general distribution in Broward County and through other appropriate local media. It shall be unlawful to move host of the Mediterranean fruit fly or any regulated article within, through, or from a quarantine area in Broward County unless in accordance with subsection (5) of this rule. A list of those hosts most likely to be present in a quarantine area shall be published in a major newspaper of general distribution in Broward County and provided to affected local industry groups. The area within Broward County shall be released from quarantine following a declaration by the Department that the Mediterranean fruit fly has been eradicated in accordance with subsection (8) of this rule.

(5) Movement or possession of hosts or other regulated articles; Conditions of certification. It shall be unlawful for any person to move hosts of the Mediterranean fruit fly or other regulated articles within, through, or outside the quarantine area in Broward County or to move or possess them for

commercial or distribution purposes within the quarantine area in Broward County unless in compliance with this rule and certified by the department or the USDA.

(a) Hosts of the Mediterranean fruit fly to be moved outside of the quarantine area in Broward County for commercial or distribution purposes shall be certified based on negative trapping, post-harvest treatments, or treatments applied to production areas that are approved by the department. A Certificate of Inspection must accompany the treated host or regulated article and must include the method of treatment, location of the treatment facility, and other pertinent data.

(b) Hosts of the Mediterranean fruit fly offered for sale or distribution in the quarantined area in Broward County shall be certified if an employee of the Department or the USDA has inspected them and determined that both of the following conditions have been met:

1. All hosts have been received from outside the quarantine area. Vendors must have proof of origin in the form of written receipts or other documentation;

2. All hosts are kept in fruit fly-proof screened enclosures or sealed containers, cold storage, fly-proof vehicles, or other enclosures to prevent infestation by a fruit fly.

(c) Hosts transiting the quarantine area in Broward County must be covered by fly-proof screen or be in fly-proof vehicles and accompanied by proof of origin in the form of written receipt or other documentation.

(d) Soil and plants with soil attached.

1. Soil and plants with soil attached shall be certified for movement if an employee of the Department or the USDA has inspected them and found that they are not under the drip line of a host plant which is bearing hosts or was capable of bearing hosts within the previous 60 days.

2. Soil and plants with soil attached under the drip line of a plant that is bearing hosts or was capable of bearing hosts within the previous 60 days shall be certified provided:

a. All soil and plants are removed to an area clear of plants bearing or capable of bearing hosts for 30 days or until a life cycle of the fruit fly is complete; or

b. The soil is treated with an EPA-registered pesticide that is labeled as effective for fruit fly control. All treatments must be conducted under the supervision of an employee of the Department or the USDA.

3. Plants bearing host fruit. In addition to the above, plants bearing host fruit or which were capable of bearing host fruit shall be certified for movement after all host fruit have been removed in accordance with paragraph (6)(b) of this rule and soil treated with an EPA-registered pesticide which is labeled as effective for Mediterranean fruit fly control. All treatments must be conducted under the supervision of an employee of the Department or the USDA. The plants can also be moved after

all hosts are removed without a soil treatment provided they have been held for 30 days or until a life cycle of the Mediterranean fruit fly is complete.

(e) Compliance agreements. The certification of hosts and regulated articles can be accomplished through the use of compliance agreements if the department does not require each treatment or movement to be witnessed by an employee of the Department or the USDA.

(6) Confiscation and disposal of hosts of the Mediterranean fruit fly.

(a) All hosts within the regulated area in Broward County offered for sale or distribution which are not in compliance with subsection (5) of this rule shall be considered infested and shall be confiscated and destroyed at the expense of the vendor or person having possession following the issuance of a stop-sale notice and hold order.

(b) All hosts to be disposed must be placed in a tightly sealed plastic bag and placed in a puncture proof container for delivery to an approved local landfill or incinerator.

(7) Treatment areas, treatment procedures, and mitigative measures. Treatment areas and treatment procedures to eradicate the Mediterranean fruit fly infestation in Broward County will be required depending on life-stages and numbers of Mediterranean fruit flies detected and the geographical area affected. Treatment areas shall be treated under the direction of the USDA and the Department. Treatments may include ground or aerial applications of EPA-registered pesticides, bait stations applied to host plants or plants capable of harboring adult Mediterranean fruit flies, the removal and destruction of all hosts known or suspected to harbor any stage of the Mediterranean fruit fly, the removal and destruction of abandoned or unwanted plants capable of bearing hosts, the placement of traps, and the release of sterile Mediterranean fruit flies to achieve eradication. All pesticide applications shall be applied in accordance with all applicable federal and state regulations implementing mitigative measures to reduce environmental and public impact as described in this rule.

(a) Broward County treatment areas. The geographical boundaries of treatment areas shall be published in a major newspaper of general distribution and through other appropriate media in Broward County. Areas in Broward County shall be declared treatment areas as follows:

1. When a single male or unmated female Mediterranean fruit fly is detected, an intensified monitoring program will be implemented in a minimum 81 square mile area around the positive site.

2. When two adult Mediterranean fruit flies are detected within one mile of each other within a life cycle (approximately 30 days), or a single mated female, larva, or pupa are detected, an intensified monitoring program will be implemented in a minimum 81 square mile area around the positive site. The treatment area shall be a minimum nine

square mile area around a positive site for pesticide treatments. The treatment area for sterile fly releases shall be a minimum 49 square mile area around the positive site.

3. If a larva is detected, in addition to subparagraph (7)(a)2. of this rule, the soil under the drip line of all host plants on the property and each adjacent property shall be drenched with an EPA registered pesticide and all hosts shall be removed within a 656 foot (200 meters) radius of the positive site by the Department and the USDA.

(b) Treatment procedures in Broward County. Treatments will be conducted in accordance with the following procedures upon notification of applicable federal, state, and local government agencies and officials who will be provided an opportunity for input into program procedures or mitigative measures or participation in program monitoring activities.

1. All necessary control actions will be conducted for the Mediterranean fruit fly detected using the treatments necessary to prevent further spread and achieve eradication in Broward County.

2. Hospitals and public health facilities and agencies in the treatment area in Broward County will be notified of the treatment schedules and the types of pesticides used, and all accidental pesticide exposures will be reported to the appropriate local, state and federal authorities.

3. All applicable environmental laws and regulations will be followed and an environmental monitoring program in accordance with applicable federal and state environmental laws will be implemented.

4. All pesticides will be applied under the supervision of certified applicators in accordance with label instructions, applicable quarantine or emergency exemptions, USDA Environmental Impact Statements, site specific Environmental Assessments, and state licensing requirement.

5. All program personnel will be trained on the proper use and storage of materials and instructed on emergency procedures in the event of accidental chemical exposure.

6. All necessary safety and cleaning equipment, protective clothing, and Material Safety Data Sheets will be provided to program personnel.

(c) Program Mitigative Measures in Broward County. The following mitigative measures will be taken to reduce public and environmental impact:

1. Residents in treatment areas shall be contacted individually or if too numerous shall be notified by publication in a major newspaper of general distribution at least 24 hours in advance of the date and time of planned pesticide treatments. Notifications will be in English or other languages as necessary, based on the ethnic structure of the community. The notification shall include basic information about the program, the geographical boundaries of the treatment area, treatment procedures, and measures to be taken to avoid exposure and reduce damage.

2. Residents in the treatment area on the Registry of Persons Requiring Prior Notification of the Application of Pesticides shall be notified 24 hours prior to any treatment applications in accordance with Section 482.2267, Florida Statutes.

3. A telephone hot line system will be established to keep the public informed of program activities and serve as a mechanism for registering and responding to complaints.

4. Beekeepers in the treatment area will be notified 24 hours in advance of any treatment applications.

5. Sensitive areas in or near treatment areas shall be identified prior to chemical treatments and appropriate measures taken to ensure that these areas are not adversely affected.

6. All control actions will be conducted with appropriate concern for potential impact on the public, wildlife, non-target organism and sensitive areas.

(8) Declaration of Eradication. Following the completion of all treatments, eradication shall be declared when no fruit flies are detected during a period of two fruit fly life cycles (approximately 60 days).

(9) Program Evaluation. Following the completion of the Mediterranean fruit fly eradication program, program activities and monitoring results will be reviewed and evaluated and appropriate changes implemented for future programs.

Rulemaking Specific Authority 475.614 FS. Law Implemented 215.34, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, 3-13-07, 12-4-07, 5-12-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 12, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.:
19ER11-1

RULE TITLE:
Extraordinary Circumstances for
Alternative Method of Finalizing
2005 Losses

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Paragraph (3)(d), Article X, of the 2005 Florida Hurricane Catastrophe Fund ("FHCF") Reimbursement Contract, the process of finalizing participating insurers' losses must begin no later than June 1, 2011. This process involves a valuation of claims that an insurer has received but has not yet paid ("outstanding losses") and claims that an insurer anticipates but has not yet received ("incurred but not reported losses"). In most circumstances, these losses represent a small portion of an insurer's recoveries under the Reimbursement Contract. The FHCF is concerned

that some participating insurers may have very large amounts of outstanding losses and incurred but not reported losses, as a result of claims that were filed or reopened many years after the hurricanes covered by the 2005 Reimbursement Contract. The size of these losses raises the possibility that the process for finalizing losses may understate their value, resulting in disruption of the property insurance market in Florida, or may overstate their value, resulting in the need for additional bonding on behalf of the FHCF. Both of these potential outcomes endanger the public welfare. The FHCF has determined that alternative methods of finalizing these losses may significantly reduce the likelihood of either overpayment or underpayment, and will therefore protect the public welfare. REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule is a benefit for the public at large, participating insurers, and the FHCF. There is no benefit to any of these parties to have payments to insurers by the FHCF be inadequate or excessive. Further, this emergency rule is posted to the State Board of Administration's website.

SUMMARY: This emergency rule provides authority for participating insurers and the SBA or the FHCF to apply flexibility to the timing requirements for settling the 2005 claims and losses.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida, Tallahassee, Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER11-1 Extraordinary Circumstances for Alternative Method of Finalizing 2005 Losses.

(1) Section 215.555(3), F.S., provides that in situations of an unusual nature, Florida Hurricane Catastrophe Fund rules may be applied with reasonable flexibility if such flexibility is in accord with sound insurance practices and is not contrary to the public purpose of the Florida Hurricane Catastrophe Fund.

(2) Applying such statutorily-authorized flexibility, this rule specifies circumstances under which an alternative method of finalizing an insurer's losses may be used notwithstanding the commutation process as described in paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract, which was adopted as Rule 19-8.010, F.A.C.

(3) Upon the request of a participating insurer that is a party to the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract, the State Board of Administration of Florida ("SBA") and the participating insurer may agree to an alternative method of finalizing the participating insurer's losses notwithstanding the commutation process as described in paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract. The request must be made no later than May 31, 2011.

(4) A participating insurer is eligible to make the request described in subsection (3) if:

(a)1. The "Estimated Recoverable from the FHCF on Incurred Basis" (Section II, Incurred Basis, G. on Form FHCF-L1B, Proof of Loss Report) is more than 200 percent of the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report), or the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report) is zero; and

2. The difference between The "Estimated Recoverable from the FHCF on Incurred Basis" (Section II, Incurred Basis, G. on Form FHCF-L1B, Proof of Loss Report) and the Total Estimated Recoverable (Section II, Paid Basis, G. on Form FHCF-L1B, Proof of Loss Report) exceeds \$50 million; or

(b) The participating insurer is in receivership, in which case the request may be made on behalf of the participating insurer by either the receiver or the Florida Insurance Guaranty Association.

(5) If the participating insurer and the SBA do not reach agreement on the alternative method of finalizing the participating insurer's losses within 60 calendar days after the date of the request, the provisions of paragraph (3)(d) of Article X of the 2005 Florida Hurricane Catastrophe Fund Reimbursement Contract apply.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555, FS. History--New 5-17-11.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 17, 2011

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (District) hereby gives notice:

On May 13, 2011, the District granted a variance under Section 120.542, Florida Statutes (SJRWMD F.O.R. No. 2011-08), to The Harrod Group, Inc., (Petitioner) regarding a project known as the "River Isle" subdivision. The Petition for Variance was filed with the District on January 21, 2011. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly (FAW), Vol. 37, No. 7, on February 18, 2011. No public comment was received. Petitioner provided three subsequent extensions of time in which the District had to act on the petition. The District's order provides the Petitioner with a variance from paragraph 40C-41.063(5)(c), Florida Administrative Code and Section 11.4.3 of the District's Applicant's Handbook: Management