

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

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

PURPOSE AND EFFECT: The purpose and effect of this proposed new rule is to specify, detail, and clarify a Scrapie Control and Eradication Program in Florida. The proposed new rule adopts standards established by USDA, APHIS, under its Scrapie Eradication Uniform Methods and Rules (APHIS 91-55-079, June 1, 2005) and Voluntary Scrapie Flock Certification Program Standards (APHIS 91-55-091, June 30, 2007). Implementation of this proposed new rule will establish Florida in a Consistent State Status regarding the control and eradication of Scrapie in the U.S.

SUBJECT AREA TO BE ADDRESSED: This proposed new rule establishes general requirements, definitions, record keeping, tests and documentation for establishing and maintaining Scrapie – Free Flocks/Herds and handling infected flocks/herds in the state.

SPECIFIC AUTHORITY: 570.07(23), 570.36(2), 570.07(15), 585.002(4), 585.007 FS.

LAW IMPLEMENTED: 585.003, 585.08(1), 585.11(1), 585.14, 585.145(1),(2), 585.15, 585.16, 585.17, 585.18, 585.23, 585.40 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. William C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Room 332, 407 South Calhoun Street, Tallahassee, FL 32399-0800; phone: (850)410-0900; fax: (850)410-0957

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-29.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of 9 C.F.R. §§ 160-162 (2007).

(2) Administrator. The Administrator of USDA, APHIS or any person authorized to act for the Administrator.

(3) APHIS. Animal and Plant Health Inspection Service; part of the United States Department of Agriculture; responsible for protecting and promoting U.S. agricultural health and ecosystems vulnerable to invasive pests and pathogens, administering the Animal Welfare Act, and carrying out wildlife damage management activities.

(4) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities.

(5) Certified Flock/Herd. A complete monitored category flock/herd that has been continuously participating in the USDA Voluntary Scrapie Flock Certification Program Standards (APHIS 91-55-091, June 30, 2007) and has met the provisions for 5 years or more.

(6) Commingled, commingling. Animals grouped together having physical contact with each other, including contact through a fence line or sharing the same section in a transportation unit where physical contact can occur.

(7) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(8) Flock or Herd. All animals maintained on a single premises and all animals under common ownership or supervision on two or more premises with animal interchange between the premises.

(9) Flock/Herd of origin. The flock/herd in which an animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

(10) Goat. Any ruminant of the genus *Capra*.

(11) Intrastate. Existing or occurring within the boundaries of the state.

(12) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health official of the state of origin.

(13) Official Individual Identification. A form of unique individual animal identification, as follows:

(a) Official Eartags. A tamper-evident eartag, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the following number systems:

1. National Uniform Eartagging System;
2. Animal Identification Number (AIN);
3. Premises-based numbering system; or
4. Any other numbering system approved by APHIS.

(b) Ear, tail-web or flank tattoos, using the National Uniform Tag Code number assigned by APHIS to the state of origin; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Implanted electronic chips that conform to ISO standards with a unique number that is recorded in a single, central database.

(14) Owner. A person, partnership, company, corporation, or any legal entity that has legal or rightful title to animals.

(15) Premises. A geographically distinct place or location where livestock are housed, maintained, congregated, or kept.

(16) Premises identification number. A unique number used on official eartags and tattoos to identify the premises of origin of an animal.

(17) Recognized slaughter establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or equivalent state meat inspection program.

(18) Scrapie. A non-febrile, transmissible, degenerative, disease of the central nervous system in sheep and goats.

(19) Scrapie Flock/Herd Certification Program (SFPCP). A voluntary State-Federal-Industry cooperative effort as defined in the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

(20) Scrapie-positive animal. An animal for which an approved test has been conducted with positive results by NVSL or another laboratory authorized by the Administrator to conduct tests. The animal must meet the criteria of a Scrapie-positive animal as defined in 9 C.F.R. § 54.1 (2007).

(21) Sheep. Any ruminant of the genus Ovis.

(22) Source Flock/Herd. A flock/herd in which an authorized representative has determined that at least one animal was born that was diagnosed as Scrapie positive at an age of 72 months or less or in which a positive animal has resided throughout its life.

(23) Suspect animal. An animal that exhibits any clinical signs of Scrapie and that has been determined to be suspicious for Scrapie by an accredited veterinarian or by an authorized representative; an animal that has tested positive on a live animal screening test; or, an animal whose official test yielded inconclusive results.

(24) USDA. United States Department of Agriculture.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS, Law Implemented 585.003, 585.08, 585.11(1), 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New _____.

5C-29.002 General Requirements for Movement of Sheep and Goats.

(1) Identification Requirements.

(a) All sheep and goats moved intrastate or interstate for any purpose must be officially identified to their flock/herd of birth. All sheep and goats that change ownership for any purpose must be officially identified to their flock/herd of birth as required by 9 C.F.R. § 79.2 (2007). In cases where the flock/herd of birth can not be determined, the sheep and goats must be officially identified to the flock/herd of origin.

(b) Official Identification Methods: Only APHIS approved identification methods of sheep and goats as required by the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005, may be used. Such identification methods must be permanent or tamper evident, secure, carry a unique premises and individual animal number and traceable to flock/herd of birth or flock/herd of origin. Approved methods of identification include:

1. Official USDA-APHIS-VS eartags.

2. Premises identification tattoos (must be legible and contain the flock/herd number and unique animal number).

3. Official registry tattoos (must be accompanied by either official breed registration certificate or an OCVI that includes the corresponding official registration number), or

4. Electronic microchip/implant (must be accompanied by owner statement of ID numbers and chip manufacturer, and agent should have a chip reader for verification of placement).

(2) Responsibility for Identification of Sheep and Goats.

(a) Primary Responsibility. The owner of the flock/herd of origin has the primary responsibility for identification of all sheep and goats before moving their animals and involving them in intrastate commerce and before they are commingled with animals from different flocks/herds of origin. If official identification has not been placed on the sheep or goats by the owner before leaving the flock/herd of origin and moving them for the purpose of involving them in intrastate commerce, the owner must assure that the sheep or goats are officially identified before the animals are commingled with sheep and goats from different flocks/herds of origin and before change of ownership.

(b) Secondary Responsibility. Persons with secondary responsibility to identify sheep or goats include:

1. A person who delivers any sheep or goats to a place where they will be commingled must ensure that the sheep or goats are officially identified to their premises of origin before allowing contact with sheep or goats from different flocks/herds or before change of ownership.

2. A person who receives any sheep or goats that are required to be identified to their premises of origin must ensure that the sheep or goats are officially identified to their premises of origin before commingling with sheep or goats from different flocks/herds or before change of ownership.

(3) Retagging Sheep and Goats with Lost Identification.

(a) If a sheep or goat loses its identification to its flock/herd of birth or origin while in intrastate or interstate commerce the person that has control or possession of the sheep or goat is responsible for identifying the animal before commingling with sheep or goats of different flocks/herds of origin.

(b) The person retagging the sheep or goat shall record the identification number and the flock/herd of origin of the animal. If the flock/herd or origin can not be determined all possible flocks/herds of origin shall be listed in the records.

(4) Removal of Official Identification Prohibition.

(a) No person shall remove or tamper with any official identification device.

(b) Official identification devices which are damaged and are no longer functional may be replaced provided all possible flocks/herds of origin are listed in the record associated with the application of the new official identification.

(5) Violations. Sheep and goats entering the state, moving within the state, or changing ownership in violation of the provisions of this chapter may be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported or moved in violation of this rule will return the animals to the state or flock/herd of origin as directed by the Division.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New _____.

5C-29.003 Recordkeeping Requirements for Identification of Sheep and Goats.

(1) Any individual authorized to apply official identification, under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records of sales of all sheep and goats.

(2) Each person required to keep records under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records for five years even if the animal is no longer on the premises. Such records shall be available for inspection by any authorized representative of the department during ordinary business hours upon request.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1),(2) FS. History—New _____.

5C-29.004 Scrapie Free Flock/Herd Certification Programs.

(1) Complete Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of Scrapie as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 5 years of active participation in the SFCP with annual records review.

(2) Export Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of and eligible to be exported as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 7 years of participation in the SFCP and specified testing within herd or flock.

(3) Selective Monitored – Slaughter lamb/kid producers who wish to have an additional method of surveillance in large production flocks/herds have the opportunity to enroll their flock/herd in the APHIS sponsored program as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.00 FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1) FS. History—New _____.

5C-29.005 Scrapie Monitoring and Surveillance.

(1) Clinical suspects and test-positive animals will be handled in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) Mature traceable animals that are dead or down at market will be sampled and tested when practical to do so in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(3) Sampling and testing of mature traceable sheep at slaughter will be handled by APHIS in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1), 585.16 FS. History—New _____.

5C-29.006 Scrapie Flock/Herd Clean-up Plans.

(1) All flocks/herds determined to be infected with Scrapie shall be placed under quarantine and handled in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) All flocks/herds containing animals suspicious for, and source flocks/herds, will be placed under quarantine and investigated in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 570.07(15), 585.002(4), 585.007 FS. Law Implemented 585.03, 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.23, 585.40 FS. History—New _____.

5C-29.007 Florida Scrapie Certification Board.

In accordance with the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007, APHIS is authorized to establish a State Certification Board. The board shall administer the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007; review program enrollment and status advancement; review situations that may result in reduction of certification status or dismissal from the program; and educate producers regarding Scrapie.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.11(1), 585.14 FS. History— New _____.

5C-29.008 Materials.

(1) 9 C.F.R. § 54.1 (2007), 9 C.F.R. §§ 79.2-79.6 (2007) and 9 C.F.R. §§ 160-162 (2007) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(2) USDA Scrapie Eradication Uniform Methods and Rules, June 1, 2005, APHIS 91-55-079, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(3) USDA Voluntary Scrapie Flock Certification Program Standards, June 30, 2007, APHIS 91-55-091 is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(4) Federal Meat Inspection Act (21 U.S.C. § 601 et seq. (2007)) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 570.07(23), 570.36(2), 585.002(4), 585.007 FS. Law Implemented 585.08, 585.11(1), 585.15, 585.16 FS. History— New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0014 Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this rule development is to amend the Data Base Manuals to reflect the collection and calculation of class size data, and, if necessary, promulgate a new rule to implement the requirements of law related to class size.

SUBJECT AREA TO BE ADDRESSED: Class size requirements.

SPECIFIC AUTHORITY: 1001.02(1), 1002.33(24), 1008.385(3) FS.

LAW IMPLEMENTED: 1003.03, 1002.33(16), 1008.385(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education, 325 West Gaines Street, Room 1244, Tallahassee, Florida 32399-0400; (850)245-0406

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0571 Vocational and Workforce Development Standards and Industry-Driven Benchmarks

PURPOSE AND EFFECT: The purpose of the rule development is to review the Standards, Benchmarks, and Curriculum Frameworks for career and technical and adult education to determine what changes must be initiated. The effect will be current curriculum frameworks for career and technical education and adult education.

SUBJECT AREA TO BE ADDRESSED: Curriculum Frameworks for career and technical education and adult education.

SPECIFIC AUTHORITY: 1004.92(2)(b)3. FS.

LAW IMPLEMENTED: 1004.92(2)(b)4. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lynn Abbott, Office of the Commissioner, Department of Education, 325 West Gaines, Room 1514, Tallahassee, Florida 32399-0400

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

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**St. Johns River Water Management District**

RULE NO.: RULE TITLE:
40C-2.042 General Permit by Rule

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the General Permit By Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.042, F.A.C. Amendments include: repeal of the exceptions for use of reclaimed water and recycled water from wet detention treatment ponds for irrigation; amendment to the limiting conditions to prohibit chemigation and fertigation between the hours of 10:00 a.m. and 4:00 p.m.; restriction of the watering-in of chemicals to ¼ inch of water per application except as otherwise required by law; the manufacturer or best management practices; limitation of the operation of landscape irrigation systems for routine maintenance to 1 day per week; providing that where reclaimed water is available, use of private irrigation wells are not authorized; establishing a specific 2 day per week landscape irrigation schedule for the months of March through November; establishing a 1 day per week irrigation schedule for the months of December through February; providing limitations on the volume of water applied during the specified landscape irrigation days; providing that a local government landscape irrigation ordinance may not include more restrictive or expansive provisions than those set forth in paragraphs 40C-2.042(2)(a)-(c), F.A.C.; and revising the Applicant's Handbook: Consumptive Uses of Water, to reflect these changes.

SUBJECT AREA TO BE ADDRESSED: Amendments to General Permit By Rule and related Applicant's Handbook: Consumptive Uses of Water, provisions regarding irrigation regulation.

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

LAW IMPLEMENTED: 373.118, 373.219, 373.223, 373.250, 373.609 FS.

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

DATE AND TIME: May 7, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Seminole County Commission Chambers, 1101 East First Street, Sanford, FL 32771

DATE AND TIME: May 8, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Indian River County Commission Chambers, 1801 27th Street, Building A, Vero Beach, FL 32960

DATE AND TIME: May 21, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Lake County Commission Chambers, 315 West Main St., Tavares, FL 32778

DATE AND TIME: May 28, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Rooms A and B, Jacksonville, FL 32256

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: Sandy Bertram, Asst. District Clerk, (386)329-4127. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection (8). However, this section shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this section, must obtain a permit pursuant to Chapter 40C-2, 40C-20 or 40C-22, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source of water, to irrigate agricultural crops, nursery plants, golf courses and recreational areas, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions:

(a) No change.

~~(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.~~

~~(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off site surface water, or public supply sources.~~

~~(b)(d)~~ Irrigation is allowed at any time of day for one 30 day period following planting of agricultural crops or nursery stock, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of

new recreational areas and newly seeded or sprigged golf course areas is allowed at any time of day for one 60-day period.

~~(c)(e)~~ Chemigation and fertigation are allowed on any at any time of day one time per week, provided these activities do not occur between the hours of 10:00 a.m. and 4:00 p.m. and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.

~~(d)(f)~~ Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

~~(e)(g)~~ Irrigation systems may be operated anytime of day for maintenance and repair purposes not to exceed ten minutes per hour per zone, but such operation shall not occur more than one time per week.

(h) through (n) renumbered (f) through (l) No change.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source of water for landscape irrigation, provided: the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. Landscape irrigation shall be subject to the following exceptions:

1. During the months of March through November, landscape irrigation systems shall apply no more than ½ inch of water and shall be operated no more than 30 minutes per zone, in accordance with the following schedule:

a. For residential landscape, irrigation at even numbered addresses shall occur only on Tuesday and Saturday and not between 10:00 a.m. and 4:00 p.m.; and

b. For residential landscape, irrigation at odd numbered addresses or no address may occur only on Wednesday and Sunday and not between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Monday and Friday and not between 10:00 a.m. and 4:00 p.m.

2. During the months of December through February, landscape irrigation systems shall apply no more than ¾ inch of water and shall be operated no more than 45 minutes per zone, in accordance with the following schedule:

a. For residential landscape, irrigation at even numbered addresses shall occur only on Tuesday and not between 10:00 a.m. and 4:00 p.m.; and

b. For residential landscape, irrigation at odd numbered addresses or no address may occur only on Wednesday and not between 10:00 a.m. and 4:00 p.m.; and

c. Non-residential landscape irrigation may occur only on Monday and not between 10:00 a.m. and 4:00 p.m.

3. All landscape irrigation shall be limited to only that needed to meet landscape needs.

4. Where reclaimed water is available, the use of private irrigation wells for landscape irrigation is not authorized under this subsection.

5. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

(b) For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. For purposes of this rule, a micro-irrigation system is a micro-spray, micro-jet or drip irrigation system. For the purposes of this rule, the term "residential" means any housing unit with sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units, mobile homes and trailer spaces, but excluding commercial or transient housing units such as hotel and motel units.

(c) Landscape irrigation shall be subject to the following exceptions:

1. Irrigation using a micro-irrigation system is allowed anytime provided the amount of water used is limited to only that necessary for efficient utilization.

2. Irrigation of new landscape is allowed on Monday through Friday at any time of day ~~on any day~~ for the initial 30 days following installation and on Monday, Wednesday and Friday ~~and every other day~~ for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated anytime of day for maintenance and repair purposes not to exceed ten minutes per hour per zone but such operation shall not occur more than one time per week.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime, provided the amount of water used is limited to only that necessary for efficient utilization.

6. No change.

~~7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.~~

~~8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.~~

~~(d)(b)1. A local government may enforce, and is strongly encouraged to enforce, paragraphs (2)(a)-(c) within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the incorporates these provisions set forth in paragraphs (2)(a)-(c). However, a local government ordinance may not include provisions that are more restrictive or expansive than the provisions set forth in paragraphs (2)(a)-(c). If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:~~

~~a. Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and~~

~~b. Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.~~

~~e. Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs a. or b. above to address utility system-related demands.~~

~~2. through 3. No change.~~

~~4. Where a local government has adopted a landscape irrigation ordinance, if the strict application of the uniformly required "day of week" schedule for specified "day of week" limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific days for landscape irrigation identified in subparagraphs (2)(a)(b)1. and 2., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days per week during the months of March through November and no more than 1 day per week during the months of December through February days a week. Local governments shall not grant a variance from any other provision of this rule.~~

~~5. No change.~~

~~(e) All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically extended for a 2-year time period in accordance with the terms and conditions of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.~~

~~(e)(d) No change.~~

~~(3) through (7) No change.~~

~~(8) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. Where reclaimed water is available, the use of private irrigation wells for landscape irrigation is not authorized under this section. This permit is subject to all the requirements in paragraph (2)(a) and the exceptions in subparagraphs (2)(c)1.-6. (2)(a)1.-8.~~

~~Specific requirements will be listed as conditions of these permits.~~

~~Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223, 373.250, 373.609 FS. History--New 7-23-91 Amended 1-7-99, 2-15-06.~~

APPLICANT’S HANDBOOK SECTIONS:

16.0 General Conditions

(a) through (h) No change.

(i) All landscape irrigation shall be in conformity with the requirements set forth in District subsection 40C-2.042(2), F.A.C., unless otherwise authorized by permit.

17.0 General Conditions by Type of Use

17.1 Public Supply-Type Uses

The following general conditions are generally applied to permits for public supply-type uses:

(a) through (d) No change.

~~(e) Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., and shall not occur more than two days per week except as follows:~~

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. Irrigation of new landscape is allowed any time of day or any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.~~

~~4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.~~

~~5. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~(e)(f) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.2 and 17.3 No change.

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural-type uses:

(a) The allocations stated above may be exceeded when the permittee must use water for freeze protection. Freeze protection is defined as the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by weather forecasting services. The permittee must maintain records of when water withdrawals for freeze protection are taking place, including the date of such withdrawal, duration of each withdrawal, and the rate at which withdrawals are taking place. These records must be submitted along with any required withdrawal records.

~~(b) Irrigation of agricultural crops is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:~~

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate agricultural crops is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation is allowed any time of day for one 30-day period following planting of agricultural crops, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment.~~

~~5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~

~~7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~8. Irrigation of agricultural crops by seepage systems which regulate off-site discharges through the use of water control structures is allowed anytime, provided the discharge does not overtop the control structure by more than one-half inch, the structure is well maintained, and there is no discharge between 1:00 p.m. and 7:00 p.m. unless associated with a storm event.~~

~~9. The use of water to protect agricultural crops from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~

~~10. The use of water to protect agricultural crops from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty-minute period per day, whichever is applicable.~~

~~11. Irrigation of agricultural crops by traveling volume guns which require manual repositioning is allowed anytime.~~

~~(b)(e) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.5 Nursery Use

The following conditions ~~is~~ ~~are~~ generally applied to individual permits for nursery-type uses:

~~(a) Irrigation of nursery plants is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:~~

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate nursery plants is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation is allowed any time of day for one 30 day period following planting of nursery stock provided that the irrigation is limited to the minimum amount necessary for plant establishment.~~

~~5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~

~~7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~8. The use of water to protect nursery plants from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~

~~9. The use of water to protect nursery plants from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty minute period per day.~~

~~(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.~~

17.6 No change.

17.7 Golf Course/Recreation Use

The following conditions ~~is~~ **are** generally applied to individual permits for golf course-type uses and recreation-type uses:

~~(a) Golf course and recreational irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:~~

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. Facilities using reclaimed water for irrigation may do so anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate golf courses and recreational areas is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30 day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly seeded or sprigged golf course areas is allowed any time of day for one 60 day period.~~

5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.

6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.

7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.

8. The use of water to protect golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone.

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-4.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The St. Johns River Water Management District proposes to amend the drainage basin and regional watershed figures and tables which are part of the Applicant's Handbook: Management and Storage of Surface Waters and are relevant to the review of applications for environmental resource permits (ERP) and mitigation bank permit applications. The District proposes to amend Figure 12.2.8-1 entitled "St. Johns River Water Management District Drainage Basins" and the figure in Appendix M entitled "St. Johns River Water Management District Regional Watersheds for Mitigation Banking." The drainage basins on Figure 12.2.8-1 define the geographical scope of the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. The regional watersheds in Appendix M are used in the analysis of ecological benefits of proposed mitigation banks, are considered in the establishment of mitigation bank service areas, and are used as part of the determination of the number of mitigation credits needed to offset a given wetland impact. Specifically, the District proposes to amend drainage basin boundaries in Figure 12.2.8-1 and regional watershed boundaries in Appendix M in the following seven areas:

- (1) basin/watershed 1 (Upper St. Marys River), basin/watershed 3 (Nassau River), and basin/watershed 4 (Northern St. Johns River and Northern Coastal);
- (2) basin/watershed 4 (Northern St. Johns River and Northern Coastal), basin/watershed 5 (Six mile and Julington Creeks Nested), and basin/watershed 6 (Tolomato River and Intracoastal Nested);
- (3) basin/watershed 4 (Northern St. Johns River and Northern Coastal), basin/watershed 5 (Sixmile and Julington Creeks Nested), basin/watershed 7 (Western Etoniah

Lakes), basin/watershed 8 (St. Johns River – Welaka to Bayard), and basin/watershed 9 (Pellicer Creek and Matanzas River); (4) basin/watershed 9 (Pellicer Creek and Matanzas River), basin/watershed 16 (Crescent Lake), and basin/watershed 17 (Halifax River); (5) basin/watershed 18 (St. Johns River – Canaveral Marshes to Wekiva), basin/watershed 19 (Econlockhatchee River Nested), and basin/watershed 23 (Lake Jesup); (6) basin/watershed 18 (St. Johns River – Canaveral Marshes to Wekiva), basin/watershed 20 (Southern St. Johns River), and basin/watershed 21 (Northern Indian River Lagoon); and (7) basin/watershed 20 (Southern St. Johns River), basin/watershed 21 (Northern Indian River Lagoon), and basin/watershed 22 (Central Indian River Lagoon).

SUBJECT AREA TO BE ADDRESSED: The proposed rules amend the drainage basin and regional watershed figures (Figure 12.2.8-1 and figure in Appendix M) in the Applicant’s Handbook: Management and Storage of Surface Waters.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.4136, 373.418 FS.

LAW IMPLEMENTED: 373.016(2), 373.413, 373.4135, 373.4136, 373.414(8), 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: May 5, 2008, 10:00 a.m.

PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Drainage Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective July 1, 2007.

(b) through (c) No change.

(2) No change.

Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, _____.

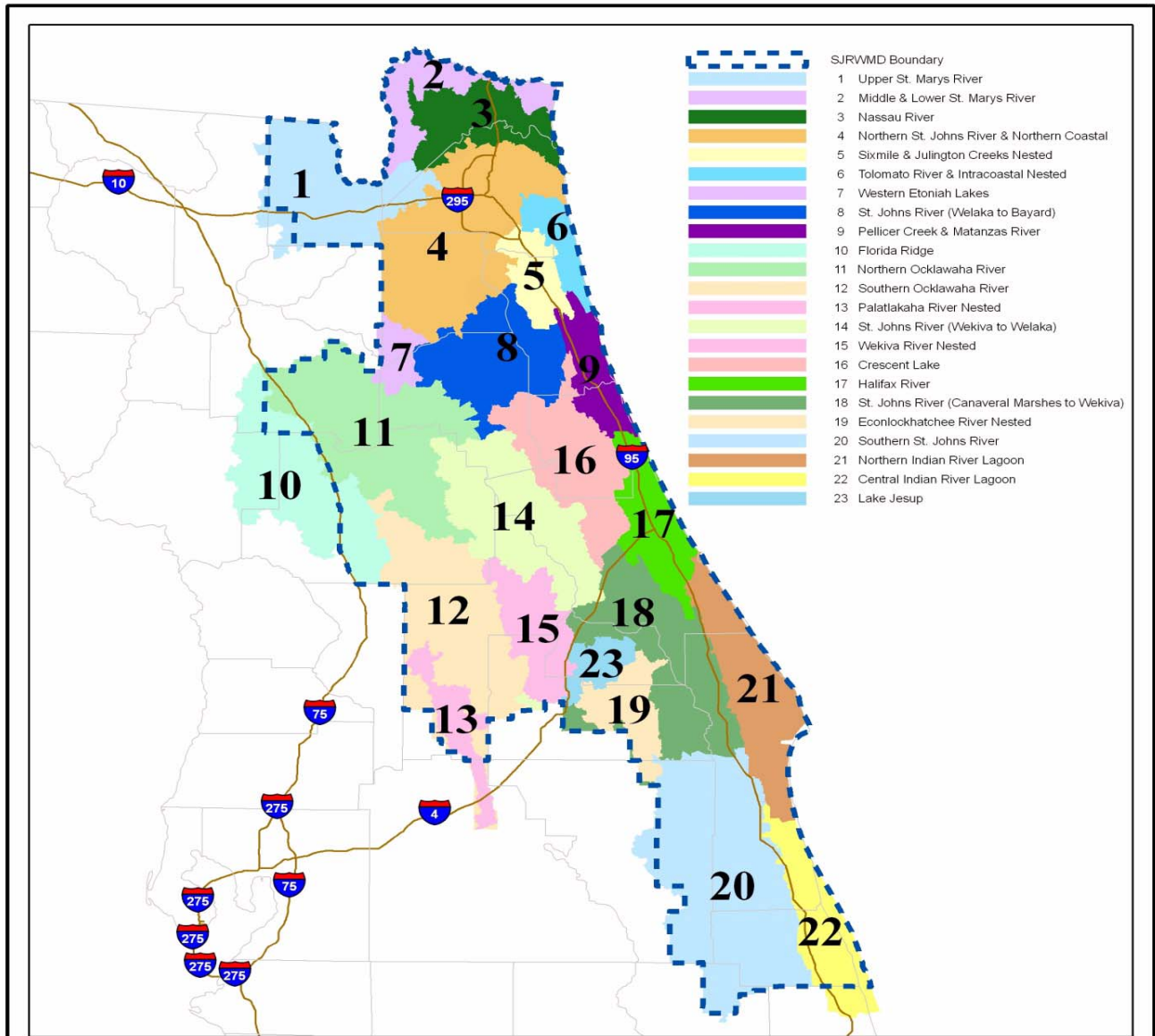
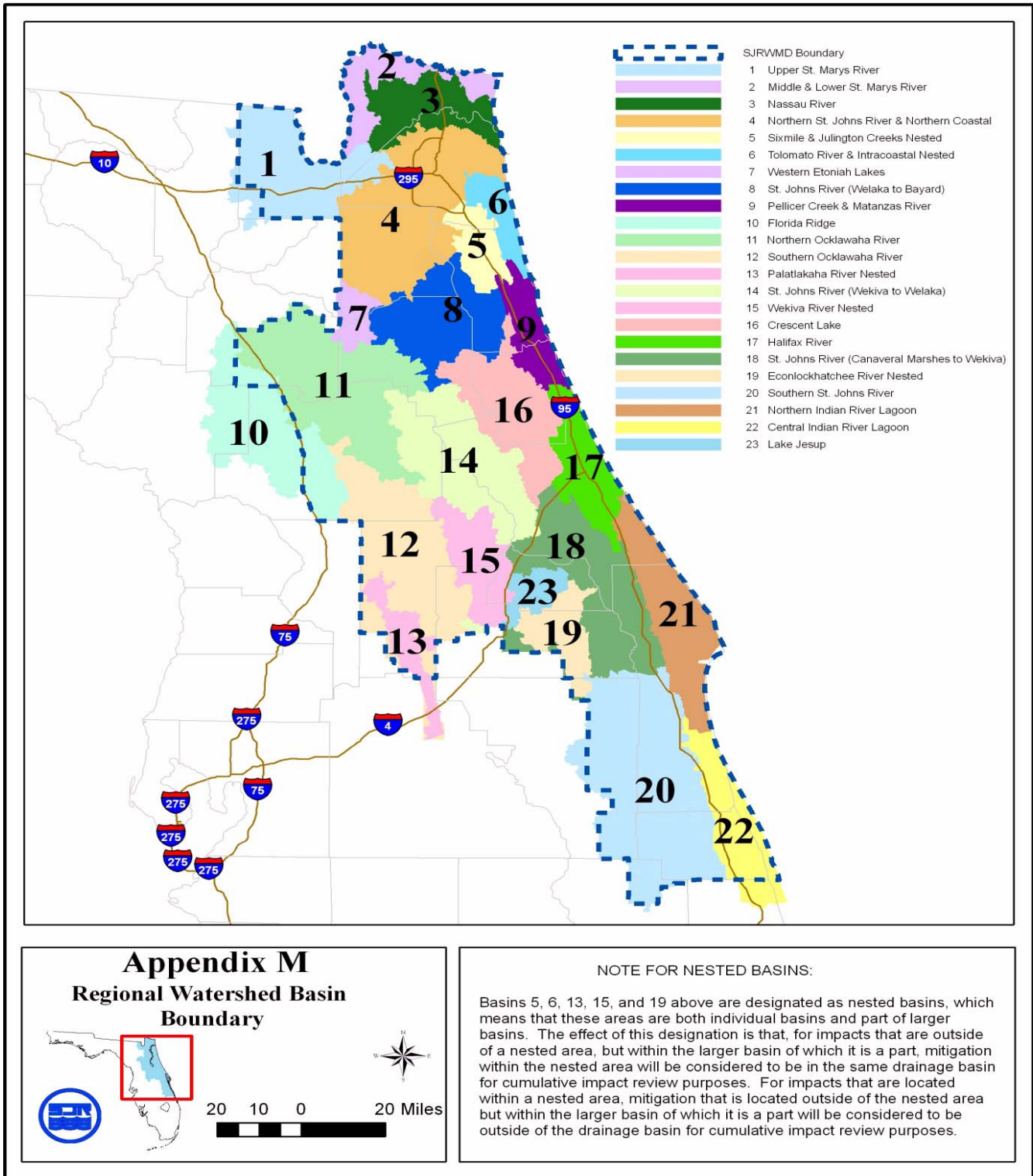


Figure 12.2.8-1
 Drainage Basins for
 Cumulative Impacts Evaluation

NOTE FOR NESTED BASINS:

Basins 5, 6, 13, 15, and 19 above are designated as nested basins, which means that these areas are both individual basins and part of larger basins. The effect of this designation is that, for impacts that are outside of a nested area, but within the larger basin of which it is a part, mitigation within the nested area will be considered to be in the same drainage basin for cumulative impact review purposes. For impacts that are located within a nested area, mitigation that is located outside of the nested area but within the larger basin of which it is a part will be considered to be outside of the drainage basin for cumulative impact review purposes.

Revised *(effective date)*



Revised (*effective date*)

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.130
 RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate by reference in rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008. The handbook was revised to allow independent providers to enroll to provide personal care services. The effect will be to incorporate by reference into rule the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008.

SUBJECT AREA TO BE ADDRESSED: Home Health Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Tuesday, May 6, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Kinser, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677, kinserk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.130 Home Health Services.

(1) No change.

(2) All home health agency providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, July 2008 ~~2007~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent’s Web Portal website at <http://mymedicaid-florida.com>. ~~<http://floridamedicaid.aes-inc.com>~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at 1(800)289-7799 ~~377-8216~~ and selecting Option 4.

(3) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History–New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-11.004
 RULE TITLE: Examination for Licensure as a State Pilot

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

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure as a State Pilot.

SPECIFIC AUTHORITY: 310.011, 310.185(1), 455.217 FS.

LAW IMPLEMENTED: 310.081(1), 455.217 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-16.300
 RULE TITLES: Renewable Energy Technologies Grants Program
 62-16.500 Solar Energy Systems Incentives Program

PURPOSE AND EFFECT: The proposed rule amendments will clarify rules with respect to the Renewable Energy Technologies Grants Program and allow for the implementation of an online application system for the Solar Energy Systems Incentives Program.

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule revision are the application requirements for the Renewable Energy

Technologies Grants Program and procedures for an online application system for the Solar Energy Systems Incentives Program.

SPECIFIC AUTHORITY: 377.804(3), 377.806(7) FS.

LAW IMPLEMENTED: 377.801-377.804, 377.806 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: Matthew J. Stamatoff, Manager and Policy Advisor of Solar & Wind Programs, Florida Energy Office, Department of Environmental Protection, 2600 Blairstone Road, MS #19, Tallahassee, Florida 32399-2400, telephone: (850)245-8002, Email: Matthew.Stamatoff@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.025 RULE TITLE: Licensure Under Supervision

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address licensure under supervision.

SUBJECT AREA TO BE ADDRESSED: Licensure under supervision.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.311, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to correct paragraph numbering and to determine appropriate penalties for certain violations.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.0375(4)(c), 456.50(2), 456.0575, 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.0375(4)(c), 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-5.001 RULE TITLE: Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify Board approval of HIV/AIDS education courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health, pursuant to Section 456.033, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for license renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 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: Allen Hall, Executive Director, Board of Occupational Therapy /MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-17.005
 RULE TITLE: Continuing Education Requirements After Initial Licensure

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements After Initial Licensure.

SPECIFIC AUTHORITY: 456.013, 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013, 461.005, 461.007(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.006
 RULE TITLE: Incomplete Applications

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language regarding incomplete applications.

SUBJECT AREA TO BE ADDRESSED: Incomplete Applications.

SPECIFIC AUTHORITY: 120.60(1), 490.004(4) FS.

LAW IMPLEMENTED: 456.013(1), 490.005(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.006 Incomplete Applications.

(1) The Board will not review incomplete applications, and applications that remain incomplete for one year following a timely filed notice of deficiency shall expire and be automatically closed by the department.

(2) Applicants whose files are closed and who wish further consideration must submit new applications. Likewise, applicants who delay timely responses to notices of deficiencies may be required to update their applications with the department prior to the Board's consideration.

Specific Authority 120.60(1), 490.004(4) FS. Law Implemented 456.013(1), 490.005(1) FS. History--New 6-23-91, Formerly 21U-11.008, 61F13-11.008, 59AA-11.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-13.003
 RULE TITLE: Continuing Psychological Education Credit

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

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) 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: Allen Hall, Acting Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.: 64D-3.028, 64D-3.029, 64D-3.030, 64D-3.031
 RULE TITLES: Definitions, Diseases or Conditions to be Reported, Notification by Practitioners, Notification by Laboratories

64D-3.040 Procedures for Control of Specific Communicable Diseases
 64D-3.041 Epidemiological Investigations
 64D-3.042 STD Testing Related to Pregnancy
 PURPOSE AND EFFECT: To update the list of diseases and conditions to be reported and make other technical changes within the rule to make the rule more effective.
 SUBJECT AREA TO BE ADDRESSED: Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health.
 SPECIFIC AUTHORITY: 381.0011(6), 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 381.006(16), 382.003(7), 383.06, 384.25(1), 384.25(2), 384.33, 392.53(1), 392.53(2), 392.66 FS.
 LAW IMPLEMENTED: 381.0011, 381.003, 381.0031, 381.004(3)(c), 383.06, 384.23, 384.25, 384.26, 384.27, 384.31, 385.202, 392.52, 392.53, 392.54 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: Kimberly Quinn, Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A19, Tallahassee, FL 32399-1716, (850)245-4604, Kimberly_Quinn@doh.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to assess whether current rules are sufficient to ensure sustainability of reptile and amphibian populations.
 SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking, possessing, and sale of reptiles and amphibians.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-26.002
 RULE TITLE: Regulations Relating to the Taking of Amphibians

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to assess whether current rules are sufficient to ensure sustainability of reptile and amphibian populations.
 SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking, possessing, and sale of reptiles and amphibians.
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF STATE

Division of Cultural Affairs

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

PURPOSE AND EFFECT: The purpose of this proposed amendment is to establish in rule the most recent eligibility criteria, application submission criteria including the required use of the Division’s new on-line grants system; and criteria related to compliance with and the recordation of restrictive covenants or surety bonds in compliance with Section 265.701(4), FS.
 SUMMARY: The proposed rule details application submission, eligibility criteria, application procedures, matching funds, evaluation criteria, reporting requirements, and grant administration.