

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: RULE TITLE:

5C-20.002 Declaration; Requirement to Report

PURPOSE AND EFFECT: The purpose and effect of the rule change is to include Equine Herpes Virus (Neurological Disease) to the list of diseases reportable to the State Veterinarian in order to prevent, control and eradicate certain infectious or communicable diseases of livestock and other domestic animals, ensuring the health, safety and welfare of the public, livestock and foot production animals from illness and subsequent economic disaster.

SUBJECT AREA TO BE ADDRESSED: Modification of the list of diseases reportable to the State Veterinarian.

SPECIFIC AUTHORITY: 585.002(3), 585.15 FS.

LAW IMPLEMENTED: 585.15 FS.

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

DATE AND TIME: Monday, January 7, 2008, 10:00 a.m.

PLACE: Department of Agriculture and Consumer Services, Division of Animal Industry, Conference Room 316, 407 South Calhoun Street, Tallahassee, FL 32399-0800

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900 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, IF AVAILABLE, IS: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: RULE TITLE:

12E-1.032 Electronic Remittance of Support Payments

PURPOSE AND EFFECT: The purpose of these rule amendments is to provide instruction to employers about the waiver process to be used by the Department in accordance with the electronic remittance requirements in Section 61.1824(6), Florida Statutes. The effect of this proposed rule is to inform the public that employers who are unable to pay support electronically may request a waiver from the requirement to send support payments electronically and to describe the waiver process to be used by the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to implement a procedure to be used in accordance with the electronic remittance requirements in Section 61.1824(6), Florida Statutes, which permits the Department to grant waivers to employers who are unable to pay support electronically.

SPECIFIC AUTHORITY: 61.1824(6), 409.2557(3)(o) FS.

LAW IMPLEMENTED: 61.1824(6) FS.

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

DATE AND TIME: January 9, 2008, 1:30 p.m.

PLACE: 4070 Esplanade Way, Room 258, Tallahassee, FL 32399-3150

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.032 Electronic Remittance of Support Payments.

(1) Scope. This rule chapter sets forth the rules to be used in the administration of Section 61.1824(6), Florida Statutes, F.S., which provides for the electronic remittance of support payments deducted pursuant to an income deduction order or income deduction notice and the electronic submission of associated case data by an employer to the State Disbursement

Unit. An employer who needs general information concerning the electronic remittance of support payments and associated case data may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227. An employer who needs information about a waiver from electronic remittance and filing requirements may contact the Department of Revenue, toll free, at 1(866)435-2763, or the State Disbursement Unit, EFT Marketing, at (850)205-8227.

(2) Definitions. As used in this rule:

(a) "Addenda record" means information required by the Department in an Automated Clearing House Credit "ACH credit" transfer that is needed to completely identify an employer or provide information concerning a payment, in approved electronic format.

(b) "Associated case data" means support payment information required to be submitted to the State Disbursement Unit pursuant to Title IV-D of the Social Security Act. Paragraph (5)(h), subparagraphs 1. through 10., of this rule lists the case data required to be submitted to the State Disbursement Unit.

(c) "Automated Clearing House" or "ACH" means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(d) "Automated Clearing House Credit" or "ACH credit" means the electronic transfer of funds generated by the employer, cleared through the ACH for deposit to the State Disbursement Unit.

(e) "Department" means the Florida Department of Revenue.

(f) "Due date" means the date that an electronic payment and associated case data must be received by the State Disbursement Unit.

(g) "Electronic means" includes any one or more of the following methods of transmitting funds or data: electronic data interchange, electronic funds transfer, Internet, or any other technology designated by the Department.

(h) "Employer" means a person, business, or organization that pays one or more workers to perform a service or engage in an activity in exchange for financial compensation.

(i) "Employer's designated child support payment processor (hereafter called employer's processor)" means a financial institution or business utilized by the employer to provide ACH support payment services.

(j) "National Automated Clearing House Association" or "NACHA" means the national trade association for electronic payments associations, which establishes the rules, industry standards, and procedures governing the exchange of commercial ACH payments by depository financial institutions.

(k) "State Disbursement Unit" or "SDU" means the single unit in the state that receives all withheld support payments and processes all support payments pursuant to Section 61.1824, Florida Statutes, F.S.

(3) Methods of Transferring Funds and Associated Case Data by Electronic Means.

(a) Electronic remittance of support payments and associated case data by the employer or the employer's processor to the State Disbursement Unit shall be in a format used within the "Automated Clearing House" or "ACH" network to conduct the transfer of support funds between business or government entities. An acceptable format includes either "Cash Concentration and Disbursement Plus (CCD+)" or "Corporate Trade Exchange (CTX)."

(b) The ACH credit transfer is the method by which employers subject to electronic payment requirements under this rule shall remit payments and associated case data by electronic means.

(4) Remittance or Transmission Problems.

(a) If the employer or employer's processor incorrectly submits associated case data or incorrectly remits support payments, the employer or the employer's processor shall contact, not later than the next business day after the date on which the error is discovered, the State Disbursement Unit toll-free at 1(888)883-0743 or local number at (850)201-0183 for specific instructions.

(b) The State Disbursement Unit shall review payment error and associated case data problems, determine the course of action to correct the error(s), and take steps to process the information and payment. The Department shall assist the State Disbursement Unit in resolving these specific payment errors, on a case-by-case basis.

(c) To assist the employer or employer's processor in complying with Section 61.1824(6), Florida Statutes, F.S., and this rule chapter, the State Disbursement Unit shall contact the employer or employer's processor when one or more of the following conditions exist.

1. The employer or employer's processor does not transmit error-free payments and associated case data.

2. The employer or employer's processor varies from the requirements and specifications of these rules.

3. The employer or employer's processor fails to make timely electronic payments or timely provide associated case data, or fails to provide the required addenda record with the electronic payment.

(d) The State Disbursement Unit shall help the employer or the employer's processor resolve the condition(s) in paragraph (c).

(5) Procedures for Payment.

(a) Automated Clearing House Credit Method (ACH Credit Method). An employer who uses the ACH credit method must contact the employer's financial institution or an employer's processor that provides prescribed ACH services and arrange to transfer the support payment to the State Disbursement Unit using an ACH credit transfer.

(b) For the employer to establish ACH payments directly to the State Disbursement Unit, initially the employer or employer's processor must contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 and provide the information in subsection (c) below. The State Disbursement Unit will compare the information provided by the employer or employer's processor with identifying information in the State Disbursement Unit's child support computer system. Identifying information submitted by the employer or the employer's processor must match the identifying information in the State Disbursement Unit computer system. The State Disbursement Unit will work with the employer to resolve discrepancies, if any are found. For the employer to establish ACH payments to the State Disbursement Unit, through an employer processor, the employer must contact the processor directly. For employers using a processor, the processor is responsible for verifying the information.

(c) The employer or the employer's processor must provide the State Disbursement Unit with the following information for each obligor for whom payments will be remitted:

1. Obligor first and last name;
2. Obligor Social Security Number;
3. Obligee first and last name; and
4. Case identifier, as stated in subparagraph (h)3.

(d) The State Disbursement Unit will inform the employer or employer's processor of the following when there is a match of the information listed in paragraph (c).

1. State Disbursement Unit's banking information to send payments electronically; and
2. That electronic remittance of support payments may commence.

(e) Neither the State Disbursement Unit nor the Department will pay for expenses incurred by the employer or employer's processor to use the ACH credit method. Pursuant to the income deduction provisions of Section 61.1301(2)(e)6., Florida Statutes, F.S., the employer may collect a fee from the employee's income for each withheld payment.

(f) To assure the receipt of support payments by the due date, an employer or the employer's processor must initiate the payment transaction in accordance with subsection (6).

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus "CCD+" or NACHA Corporate Trade Exchange "CTX" format containing an Accredited Standards Committee (ASC) X12 820 Payment Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by

NACHA guidelines as referenced herein. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 5.0, revised August 21, 2006, incorporated ~~herein~~ by reference. Members of the public may obtain a copy of the NACHA guidelines by writing to the Florida Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030, or by accessing <http://www.nacha.org/>. The employer, employer's financial institution, or the employer's processor providing ACH services may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 to determine the formats, standards, and technical requirements to implement this provision.

(h) The electronic record shall include the following associated case data fields.

1. Segment identifier – A unique identifier for a segment composed of a combination of two or three uppercase letters and digits. "DED" is the segment identifier.

2. Application identifier – The type of deduction withheld from an employee's pay. "CS" is the application identifier.

3. Case identifier – The unique identifier composed of alpha and numeric characters based on the court order number.

4. Pay date – The date the income was withheld from the employee's paycheck.

5. Payment amount – The amount of support withheld from the employee's income for a specific pay period, which is paid to the State Disbursement Unit.

6. Noncustodial parent Social Security Number.

7. Medical support indicator – The indicator designates whether the employer offers family medical insurance coverage. If medical insurance coverage is available, place a 'Y' in the field; if there is no coverage available, place an 'N' in the field. The National Automated Clearing House Association standard requires this data element.

8. Noncustodial parent name.

9. Federal Information Processing Standard Code (FIPS code) – The unique code that identifies each child support jurisdiction (i.e., states, counties and central registries). As used in this rule, the FIPS code refers to the code of the State Disbursement Unit receiving the transaction.

10. Employment termination indicator – The employment termination indicator notifies the Department that an individual's employment has terminated. The employer is required to report this information pursuant to Section 61.1301(2)(k), Florida Statutes, F.S. If the employee has terminated, place a 'Y' in this field; otherwise, the field is not used.

(i) The employer or employer's processor may combine payment amounts from more than one employee in a single payment as long as the required information in paragraph (5)(h), subparagraph 1. through 10., is submitted for each employee. In addition, the employer or employer's processor must separately identify the portion of the single payment that is attributable to each employee.

(6) Due Date.

(a) Pursuant to Section 61.1301(1)(a)3., Florida Statutes, F.S., the employer is required to remit support payments based upon the employee's pay cycle.

(b) The employer or employer's processor who is required to pay support and provide associated case data through electronic means must initiate the transfer so that the amount due is deposited as collected funds to the State Disbursement Unit's account on or before the due date. If the date on which the employer or employer's processor is required to initiate an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the employer or the employer's processor must initiate the transaction on the preceding business day. For the purpose of this rule, "banking day" has the meaning prescribed in the banking provisions of Section 674.104(1), Florida Statutes, F.S.

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer's processor pay support and provide associated case data through electronic means, if the employer or employer's processor is issued a waiver by the Department from the requirement to electronically file tax returns under Section 213.755 or 443.163, Florida Statutes, F.S. or the employer or employer's processor is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. To request a waiver the employer or employer's processor must establish in writing the basis under which such waiver is requested. In this written request, the employer or employer's processor must explain how one or more of the factors discussed in paragraph (a) of this subsection affect the ability to file electronically. After the Department verifies the explanation submitted by the employer or employer's processor, it will respond in writing regarding the decision to grant or deny such waiver.

(a) To request a waiver from electronically sending support payments, the employer or employer's processor must complete and submit Form CS-FM42, Electronic Remittance of Child Support Payments Request for Waiver, dated August 2007, incorporated by reference. The employer or employer's processor must explain on Form CS-FM42 how one or more of the factors discussed in paragraph (c) of this subsection affect the ability to file electronically. Grounds for approving a request for a waiver include, but are not limited to:

1. Any of the circumstances specified in Section 213.755(9)(a) or (b), F.S.; or,

2. The employer or the employer's processor does not have a modem; or,

3. The employer or the employer's processor does not have access to the Internet.

(b) The Department shall review the information submitted by the employer or employer's processor and respond in writing regarding the decision to grant or deny such waiver. The Department will use the following forms for this purpose. A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the employer or the employer's processor working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver. The requirement to work with the Department to address the issues that necessitated a waiver means the employer or the employer's processor will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer's processor to remit support payments and associated case data by electronic means, unless the employer or employer's processor can establish that the circumstances or reasons as set forth in Section 213.755, F.S., continue to apply.

1. Form CS-FM43, Electronic Remittance of Child Support Payments Waiver Approval Notice, dated August 2007, incorporated by reference. Form CS-FM43 states: that the waiver is approved for a specific period; the Department will remind the employer of the waiver expiration date at least sixty (60) days before it expires; and, before the current waiver expires, the employer may apply for another waiver if he or she is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. The Department will use Form CS-FM48, Electronic Remittance of Child Support Payments Waiver Expiration Notice, dated August 2007, incorporated by reference, as the reminder notice.

2. Form CS-FM47, Electronic Remittance of Child Support Payments Waiver Denial Notice, dated August 2007, incorporated by reference. Form CS-FM47 states that the waiver is denied, the reason for the denial, that the employer must send support payments and provide case data electronically to the State Disbursement Unit, and that the employer may contest the decision by requesting an administrative hearing under Chapter 120, Florida Statutes. The form includes a Notice of Rights.

(c) Grounds for approving a request for a waiver include:

1. Any of the circumstances specified in the taxation and finance state revenue laws of Section 213.755(9)(a) or (b), Florida Statutes; or,

2. The employer or the employer's processor does not have access to the Internet.

(d) A waiver is valid for up to two years. The granting of a subsequent waiver is contingent on the employer or the employer’s processor working with the Department during the waiver period to address the issues that caused the Department to grant the waiver. The requirement to work with the Department means: discuss existing computer capabilities with Department personnel; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons in paragraph (7)(c) continue to apply. The Department shall issue subsequent waivers in accordance with this subsection.

(e) An employer may request an administrative hearing to contest the Department’s decision to deny the waiver. A written petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, 5050 West Tennessee Street, Building L, Tallahassee, FL 32339-0195, within twenty (20) days after receipt of form CS-FM47. Administrative hearings shall be conducted pursuant to Chapter 120, Florida Statutes.

(f) Members of the public may obtain a copy of the forms used in this rule chapter, incorporated by reference, without cost, by writing to the Department of Revenue, Child Support Enforcement Program, Attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

Specific Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS. History—New 5-31-07, Amended.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.105
 RULE TITLE: Restoration of Forfeited Gain Time
 PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.
 SUBJECT AREA TO BE ADDRESSED: Gain time; visiting restrictions.
 SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(1) Eligibility.

(a) Restoration of gain time due to loss by disciplinary action:

1. through 3. No change.

4. The following groups of inmates shall not be eligible for restoration of forfeited gain time:

a. No change.

b. Inmates who have been found guilty of one of the following disciplinary offenses during their current commitment:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

1-7 Aggravated battery or attempted aggravated battery on a correctional officer;

1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;

1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

1-10 Aggravated battery or attempted aggravated battery on an inmate;

1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer:

1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.):

1-14 Aggravated assault or attempted aggravated assault on an inmate:

1-15 Battery or attempted battery on a correctional officer:

1-16 Battery or attempted battery on staff other than correctional officer:

1-17 Battery or attempted battery on someone other than staff or inmates(vendor, etc.):

1-18 Battery or attempted battery on an inmate:

1-19 Assault or attempted assault on a correctional officer:

1-20 Assault or attempted assault on staff other than correctional officer:

1-21 Assault or attempted assault on someone other than staff or inmates(vendor, etc.):

1-22 Assault or attempted assault on an inmate:

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

5. through 6. No change.

(b) No change.

(2) No change.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History–New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-127, Checklist for Transfers to Work Release Centers, for clarity.

SUBJECT AREA TO BE ADDRESSED: Work release.

SPECIFIC AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) through (15) No change.

(16) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

(i) DC6-127, Checklist for Transfers to Work Release Centers, effective 7-17-07.

(j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.720
 RULE TITLE: Sex Offender Visiting Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Gain time; visiting restrictions.

SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.720 Sex Offender Visiting Restrictions.

(1) through (2) No change.

(3) The warden shall also consider the disciplinary history of the inmate when making the determination of whether to allow visitation. In order to be eligible to visit, an inmate must not have been found guilty of any of the following disciplinary charges in Rule 33-601.314, F.A.C., during the three months prior to the request for visitation:

(a) through (e) No change.

(f) 1-7 Aggravated battery or attempted aggravated battery on a correctional officer:

(g) 1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer:

- (h) 1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.):
- (i) 1-10 Aggravated battery or attempted aggravated battery on an inmate:
- (j) 1-11 Aggravated assault or attempted aggravated assault on a correctional officer:
- (k) 1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer:
- (l) 1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.):
- (m) 1-14 Aggravated assault or attempted aggravated assault on an inmate:
- (n) 1-15 Battery or attempted battery on a correctional officer:
- (o) 1-16 Battery or attempted battery on staff other than correctional officer:
- (p) 1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.):
- (q) 1-18 Battery or attempted battery on an inmate:
- (r) 1-19 Assault or attempted assault on a correctional officer:
- (s) 1-20 Assault or attempted assault on staff other than correctional officer:
- (t) 1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.):
- (u) 1-22 Assault or attempted assault on an inmate:
- (f) through (q) renumbered (v) through (gg) No change.
- (4) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-29-03, 9-29-03, 4-17-05.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.607	Permit Processing Fee
40D-1.659	Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a new Environmental Resource Permit (ERP) Modification Short Form application form to be used instead of a letter for applicants seeking certain minor modifications to ERPs. The effect will be to standardize the application process for certain minor ERP modifications. Additional amendments are made to Rule 40D-1.603, F.A.C., to replace the term “renewal” with the term “extension.”

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(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 IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

- (1) through (2) No change.
- (3) The following types of applications are exempt from the fees identified in subsection (1):
 - (a) No change.
 - (b) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.
 - (c) through (f) No change.
 - (4) through (7) No change.
 - (8) The following types of applications are exempt from the fees identified in subsection (7):
 - (a) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.
 - (9) through (10) No change.
 - (11) Chapter 40D-40, F.A.C., general site conditions assessment permit:
 - (a) through (b) No change.
 - (c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, extension ~~renewal~~, or conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:

1. For adjustment, expansion, transfer or extension ~~renewal~~ of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;

2. No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, _____.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (25) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

(15) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.002.00 (_____)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a revised Supplemental Form that is submitted as part of a Water Use Permit application for withdrawals located within the Southern Water Use Caution Area of the District. The effect will be to eliminate the requirement to attach an Alternative Water Supply Feasibility Report as part of the documentation submittal requirements for completing applications to renew or modify small general water use permits (withdrawals of less than 100,000 gallons per day on an annual average basis), provided the applicant certifies that use of alternative water supplies is not feasible.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.010 ~~(11/07)~~~~(09/07)~~.

(22) through (25) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-2.091 Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments make changes so that all provisions relating to permit transfers and certain reporting requirements are updated and consistent with prior rulemaking. The first update relates to an October 2005,

rulemaking for the standard condition set forth in paragraph 40D-2.381(3)(p), F.A.C. That condition was modified to require new owners of land and withdrawal facilities included on a water use permit to transfer the water use permit within 45 days of the sale to themselves and prior to using the water. The correlative standard condition in Chapter 6 of the Basis of Review was not modified. This rulemaking would remedy this inconsistency. Section 6.2 of the WUP Basis of Review contains two Special Conditions that are placed on permits that pertain to reporting requirements. Because these conditions have been independently revised over time, inconsistencies have arisen. This rulemaking would remedy the problem by combining the two conditions into one.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments make consistent provisions relating to transfer of water use permits and provisions relating to reporting requirements included in water use permits.

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review (____) (~~10/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 11-25-07,_____.

Water Use Permit Information Manual

Part B Basis of Review

6.1 STANDARD PERMIT CONDITIONS

The following conditions are placed on all Water Use Permits:

1. through 15. No change.

16. Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land. The permittee shall notify the District within 30 days of the sale or conveyance of the permitted water withdrawal facilities or the land on which the facilities are located. Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D-0.381(1), F.A.C. The District will transfer the permit provided the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.

17. through 19. No change.

No. 19 New 1-1-03, Amended 1-1-07; No. 16 Amended

6.2 SPECIAL PERMIT CONDITIONS

1. Permitting Report Condition ~~Submitting Data Condition:~~ All reports ~~and~~ of data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the report or data is received on or before the tenth day of the each month following data collection, it shall be deemed as a timely submittal. The Permittee may use the District's website to submit data, plans or reports online. To set up an account, the Permittee can address the request to permitdata@watermatters.org.

All mailed reports and data are to be sent and shall be addressed to:

Permits Data Section, Regulation Performance Management Department

Southwest Florida Water Management District
2379 Broad Street

Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumped, rainfall, water level evapotranspiration, or water quality data.

~~Discussion: This condition is included on all permits with data reporting requirements such as pumped, water quality, mitigation, water level, environmental monitoring, and any other reports.~~

~~2. Submitting Reports Condition: Unless otherwise indicated, three copies of each report are required by the permit and shall be provided to the Director, Resource Regulation Department, by the Permittee.~~

~~Discussion: This condition is used whenever reports, other than data, are required in a permit. This condition includes annual or quarterly reports, description of monitoring and mitigation plans, plans to reduce off-site discharge, investigation of reuse, investigation of complaints, water quality control and assurance program, and sampling and analysis procedures.~~

Amended _____

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference a revised Water Use Permit Information Manual Part B, "Basis of Review" (BOR). The effect of the amendments made to the BOR will be to reduce the documentation required to be submitted in support of water use permit renewal and modification applications involving small general permits (withdrawals of less than 100,000 gallons per day on an annual average basis), where the documentation has previously been submitted or is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met. This will help streamline the permitting process for the renewal or modification of small general water use permits, which have minimal adverse impact on the water resources of the District, and facilitate electronic processing for such permit applications.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

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

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review (____)(10/07) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);
- (2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, _____.

**WATER USE PERMIT INFORMATION MANUAL PART B
 BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS**

1.4.1 SWUCA APPLICATION FORMS

All Permit Applicants in the SWUCA shall submit the "Supplemental Form – Southern Water Use Caution Area," Form No. ~~LEG -R.007.01 (11/07)~~ ~~LEG R-007.00(06/07)~~ in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the "Public Supply Supplemental Form – Southern Water Use Caution Area," Form No. LEG-R.012.00 (06/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this Basis of Review for Water User Permit Applications" (____), of the Water Use Permitting Manual:

- 1. through 3. No change.

New 6-26-07. Amended (____)

2.0 ADMINISTRATIVE CONSIDERATIONS

2.1 APPLICANT CONTROL OF PROPERTY AND ACTIVITIES

1. Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are or will be located. Applicants seeking renewal or modification of a water use permit authorizing withdrawals of less than 100,000 gpd on an annual average basis will not be required to demonstrate continued ownership or legal control, provided current property appraiser records confirm that there is no change in property ownership or control from what is documented in District records for the permit to be renewed or modified. Except for Self-Relocations as described below, applications for leased property, except property leased from the District, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the water use permit, when issued. In the case of an application for Self-Relocation, a permit may be issued solely to the lessee if the lessee and the permittee on the permit to be Self-Relocated are identical. For related rules on this issue, see Rules 40D-1.6105, 40D-2.351, and paragraphs 40D-2.381(3)(p) and (q), F.A.C., and Section 1.10 and 6.1, Basis of Review for Water Use Permit Applications.

2. through 5. No change.

Amended 1-1-07, (____).

3.0 REASONABLE WATER NEEDS

This section describes the factors involved in determining appropriate permit quantities for a particular water use. The quantity of water needed is a function of demand for water, efficiency of the water treatment and distribution systems, water acquired from other sources, water sold or transferred to other entities, and conservation practices employed. Section 3.1 describes the factors to consider in determining the appropriate quantities. Section 3.2 describes the units in which the quantities are identified on the permit. The remaining sections (3.3 through 3.7) describe the procedures for estimating water needs using the components of demand for each water use type. The information to be provided by permit applicants as described in this Chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and the applicant's water use needs have not changed since the previously issued permit or permit revision.

4.0 CONDITIONS FOR ISSUANCE-TECHNICAL CRITERIA

Section 373.223, Florida Statutes (F.S.), provides a three-prong test for evaluating each proposed water use: the use must be reasonable and beneficial, must not interfere with any existing legal use of water, and must be consistent with the public interest. Reasonable assurances that water use on both an individual and cumulative basis meets this three-prong test is provided by the Applicant's compliance with the Conditions for Issuance, set forth in Rule 40D-2.301, Florida Administrative Code (F.A.C.).

This Chapter provides guidelines for determining whether a water use meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C. If the criteria described in this Chapter are not met, Applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, or other means to bring a proposed use into compliance with the Conditions For Issuance. For some criteria, presumptions have been developed to facilitate evaluation. If site-specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate compliance with the performance standards. For projects within the SWUCA with the purpose of restoration or enhancement of impaired or impacted water bodies, the existing condition referred to in the performance standards is considered to be the natural condition unaffected by withdrawals, structural alterations or changes rather than the impaired or impacted condition that exists currently. The information to be provided by permit applicants as described in this chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met.

Amended (____)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to adopt by reference an operating agreement between the U.S. Army Corps of Engineers (ACOE) and the District. The operating agreement outlines the procedures to be followed by the ACOE and the District to implement the ACOE's Programmatic General Permit – PGP-SAJ-95. PGP-SAJ-95 addresses multi-phase projects that are being

developed pursuant to a conceptual environmental resource permit. Currently such projects require construction permits from both the ACOE and the District prior to each phase of construction. The effect of implementing PGP-SAJ-95 will streamline permitting of such projects by eliminating the need for a separate approval from the ACOE once it has approved the conceptual design.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (4) No change.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida. Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of

ERPs, and to allow applications to extend the duration of an ERP to be made using this new form. Modifications allowable through use of the Modification Short Form do not require an application fee. Rule amendments also eliminate the requirement to determine that completed construction complies with a currently valid permit when a permittee applies to extend the duration of a permit. Amendments also replace the term "renewal" with the term "extension." The effect of these amendments will be to standardize the process for seeking minor modifications of ERPs.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429, 373.805 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) No change.

(b) By submittal of a Modification Short Form application ~~letter~~, provided the requested modification does not:

1. through 4. No change.

5. Decrease the required flood control elevations for roads or buildings, or

6. Decrease pollution removal efficiency, ~~or~~

7. ~~Renew or extend the existing permit duration.~~

(3) Applications for modification of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

(a) through (b) No change.

(c) For any ~~renewal~~ or extension of a current permit, or

(d) For conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction permit application, except that the permitted site conditions shall remain as permitted.

(4) Application for permit modification to ~~renew or~~ extend the existing permit duration of a construction permit or conceptual permit should be made using the “Environmental Resource Permit Modification Short Form,” adopted by reference in Rule 40D-1.659, F.A.C. shall occur by formal application and review, and such requests shall be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification for construction permit extension ~~renewal~~ will be granted if it is reasonably assured by the applicant and determined that ~~any completed construction is in compliance with a currently valid permit, and~~ the proposed construction will be in compliance with the District’s rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) Applications for ~~conceptual permit renewal and~~ site conditions assessment permit ~~renewal or~~ extension must comply with the same criteria as new applications.

(c) Each modification to ~~renew or~~ extend will can be granted for a duration as needed, up to five years for construction permits and site conditions assessment permits, and up to two years for conceptual permits.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-8.021	Definitions
40D-8.031	Implementation
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: In the early 1980s, the District began incorporating ten year flood levels for lakes into its minimum flows and levels rules. The ten year flood level was at one time used by the Department of Health as a criterion for permitting septic tank construction in floodways. The District also included the level in its rules as advisory for those constructing lakeshore improvements. Specific references regarding use of the ten year flood level for septic tank location and construction are not now included in current District minimum flows and levels rules. Given that the Department of Health no longer utilizes ten year flood levels for septic tank permitting and that the flood levels are similarly not used for District regulatory programs, the ten year flood guidance levels are proposed to be repealed from District rules to promote organizational efficiency by eliminating unnecessary rules.

SUBJECT AREA TO BE ADDRESSED: Repeal of the methodology used to establish the ten year flood guidance level for lakes and repeal of previously adopted ten year flood guidance levels.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-40.331	Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-40.331, F.A.C., to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of a Standard General ERP. The effect is to standardize permit modification applications for minor modifications.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.331 Modification of Permits.

A request for modification to ~~renew or~~ extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) No change.

(2) By submittal of a Modification Short Form application ~~letter~~ for general construction and operation permits provided the requested modification does not exceed the conditions of paragraph 40D-4.331(2)(b), F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, 9-26-02, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.091
 RULE TITLE: Family and Supported Living Waiver Provider Rate Table

PURPOSE AND EFFECT: The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule Family and Supported Living Waiver Provider Rate Table, January 1, 2008.

SUBJECT AREA TO BE ADDRESSED: Family and Supported Living Waiver Provider Rate Table.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: Wednesday, January 2, 2008, 2:00 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: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, Kyllonep@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) No change.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 1, 2008 ~~2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-18-07, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-1.003	Examination Administration
64B-1.005	Licensure Examination Format; Examination Procedures for Candidates with Disabilities
64B-1.009	Requesting a Pre-hearing Review
64B-1.011	Requirements and Standards of a National Examination
64B-1.013	Post-Examination Review
64B-1.016	Fees: Examination and Post-Examination Review

PURPOSE AND EFFECT: It is the purpose of this rule development process to enact rules to implement the changes to Chapter 456, F.S. Other changes or new text within the rule chapters listed above may also be addressed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will affect the terminology in the Game manual and make it consistent with the department’s current responsibilities and authority for examination administration. The proposed amendments will affect and clarify procedures for candidates who arrive late for an examination administration. The proposed amendments will affect the time frame that a candidate can re-examine after failure of an examination. The proposed amendments will clarify the department's procedures for special testing accommodations related to national examinations. The proposed amendments will affect and clarify the time frame that a candidate may request special testing accommodations based on religious beliefs. The proposed amendments will clarify the procedures by which a candidate may request a Pre-hearing review. The proposed amendments will reflect the department’s current business processes as it relates to recertification of National examinations. The proposed amendments will clarify the department’s current business processes as it relates to post-examination review. The proposed amendments will affect the examination fees based on the requirement that the department adjust examination fees periodically to cover the actual cost of the examination.

SPECIFIC AUTHORITY: 456.004(5), 456.004(10), 456.013(1), 456.014, 456.017(1), 456.017(1)(a),(d),(f), 456.017(1)(b), 456.017(1)(c), 456.017(2) FS.

LAW IMPLEMENTED: 456.004(10), 456.013(1), 456.014; 456.017, 456.017(1), 456.017(1)(a),(d), 456.017(1)(c), 456.017(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: Jennifer Wenhold, Manager Testing Services Unit, 4042 Bald Cypress Way, Bin C90, Tallahassee, Florida 32399-3290, (850)245-4253

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this notice is to amend the disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.

SUBJECT AREA TO BE ADDRESSED: The disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

(2)(a) through (g) No change.

(h) Section 483.825(1)(h), F.S.: Reporting a test result when no laboratory test was performed on a clinical specimen – ~~from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$2,000 and one year of suspension. For a second offense, from a minimum fine of \$1,000 and six months of probation to a maximum fine of \$7,500 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation.~~

(i) through (y) No change.

(3) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, ~~483.827~~ FS. History–New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 590-12.001, Amended 3-19-98, 9-20-98, 10-6-02, 2-23-06, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-13.001 RULE TITLE: Responsibilities of Directors

PURPOSE AND EFFECT: The purpose of this notice is to update the citations within subsection 64B3-13.001(3), F.A.C., so that the subsection conforms to the proposed amendments to Rule 64B3-5.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The responsibilities associated with directing a clinical laboratory performing highly complex testing.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.001 Responsibilities of Directors.

(1) through (2) No change.

(3) A director not certified by the American Board of Pathology in clinical pathology qualified pursuant to paragraph 64B3-5.007(2)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology subsection 64B3-5.007(3), F.A.C., who is directing a clinical laboratory performing highly complex testing, shall ensure a co-director certified by the American Board of Pathology in clinical pathology qualified under paragraph 64B3-5.001(1)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology or the American Osteopathic Board of Pathology subsection 64B3-5.001(3), F.A.C., is available to provide clinical consultation and technical supervision consistent with the scope and volume of highly complex testing being performed as defined in 42 C.F.R. 493.10 and 42 C.F.R. 493.17 which are incorporated by reference. Directors certified by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology qualifying pursuant to subsection 64B3-5.001(3), F.A.C., shall provide

clinical consultation only in the specialty area(s) for which they are board certified or have 4 years of pertinent clinical laboratory experience.

(4) through (7) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History--New 12-6-94, Amended 3-28-95, Formerly 59O-13.001, Amended 4-7-02, 5-24-07, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-3.004
 RULE TITLE: Inactive, Delinquent and Retired Status Fees

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the reduction of inactive and delinquent status fees for physicians.

SUBJECT AREA TO BE ADDRESSED: Reduction in inactive and delinquent status fees.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 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: 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:

64B8-3.004 Inactive, Delinquent and Retired Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be ~~\$360.00~~ ~~\$385.00~~.

(b) No change.

(c) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be ~~\$360.00~~ ~~\$ 385.00~~.

(d) through (f) No change.

(2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History--New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02, 11-10-02, 4-25-06, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.024
 RULE TITLE: Restricted Licenses for Areas of Critical Need

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address entities appropriate for area of critical need licenses.

SUBJECT AREA TO BE ADDRESSED: Licenses for areas of critical need.

SPECIFIC AUTHORITY: 458.309, 458.310 FS.

LAW IMPLEMENTED: 458.310 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: 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:

64B8-4.024 Restricted Licenses for Areas of Critical Need.

(1) Areas of critical need, as that term is used in Section 458.310, F.S., are state mental institutions, state institutions for the mentally retarded, the Department of Corrections, all governmental correctional and detention facilities, and health manpower shortages areas established by the United States Department of Health and Human Services.

(2) Receipt of a restricted license does not automatically entitle the physician to a full, unrestricted license unless the requirements of Sections 458.311 and 458.313, F.S., in effect at the time of application for the full, unrestricted license are met.

Specific Authority 458.309, 458.310 FS. Law Implemented 458.310 FS. History--New 11-4-93, Formerly 61F6-22.024, 59R-4.024, Amended _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify use of laser and light-based devices for hair removal or reduction.

SUBJECT AREA TO BE ADDRESSED: Clarification of language with regard to the use of laser and light-based devices.

SPECIFIC AUTHORITY: 478.43 FS.
 LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(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 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:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.
 (1) No change.
 (2) An electrologist ~~Licensed electrologists~~ may not use laser ~~or and~~ light-based devices for hair removal or reduction ~~devices~~ unless they:
 (a) Have completed ~~a post licensure education~~ training ~~course~~ in laser and light-based hair removal ~~and or~~ reduction that meets the requirements set forth in approved by the Council pursuant to subsections 64B8-52.004(2) and (3), F.A.C.;
 (b) through (d) No change.
 (3) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History–New 9-12-01, Amended 2-28-02, 7-23-06,_____.

DEPARTMENT OF HEALTH
Board of Orthotists and Prosthetists

RULE NO.: 64B14-3.001 RULE TITLE: Definitions
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend an existing definition and to delete another; and to add a definition for the acronym “CAPE.”
 SUBJECT AREA TO BE ADDRESSED: Definitions.
 SPECIFIC AUTHORITY: 468.802 FS.
 LAW IMPLEMENTED: 468.802, 468.803, 468.807, 468.808, 468.809 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-3.001 Definitions.
 As used in this chapter, the following terms shall mean:
 (1) No change.
 (2) ABC – The American Board for Certification in Orthotics, Prosthetics and Prosthetics Pedorthics, Inc.
 (3) through (6) No change.
~~(7) BCP – Board for Certification in Pedorthics, Inc.~~
~~(7)(8) BOC – Board for Orthotist/Prosthetist Certification, Inc.~~
~~(8)(8) CAAHEP – Commission on Accreditation of Allied Health Education Programs.~~
(9) CAPE – Commission on Accreditation for Pedorthic Education.
 (10) through (30) No change.

Specific Authority 468.802 FS. Law Implemented 468.802, 468.803, 468.807, 468.808, 468.809 FS. History–New 10-21-99, Amended 2-19-04, 5-5-04, 5-23-07, 8-8-07,_____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NOS.:	RULE TITLES:
64B14-4.001	Approved Examinations
64B14-4.100	Requirements for Prosthetic or Orthotic Residency or Internship
64B14-4.110	Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthist

PURPOSE AND EFFECT: The purpose and effect for Rule 64B14-4.001, F.A.C., is to delete inapplicable examinations required and to add a new required examination; for Rule 64B14-4.100, F.A.C., it is to delete a non-applicable requirement for Prosthetic or Orthotic Residency or Internship; for Rule 64B14-4.110, F.A.C., it is to amend the rule title and update the existing language.

SUBJECT AREA TO BE ADDRESSED: Approved Examinations; Requirements for Prosthetic or Orthotic Residency or Internship; Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

SPECIFIC AUTHORITY: 456.017(1)(c), 468.802, 468.803 FS.

LAW IMPLEMENTED: 456.017(1)(c), 468.803 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.001 Approved Examinations.

(1) The board accepts the examination results of the following nations standards organization in lieu of administering a state examination:

- (a) No change.
- (b) Pedorthist – the ABC BCP certified pedorthic examination.
- (c) No change.

(2) The board approves the following examinations for licensure pursuant to Section 468.805, F.S.:

- (a) Orthotist prosthetist, prosthetist/orthotist – the written and written simulation modules of the ABC examination.
- (b) Pedorthist – the BCP examination

Specific Authority 456.017(1)(c), 468.802, 468.803(2) FS. Law Implemented 456.017(1)(c), 468.803(2) FS. History–New 11-1-99, Amended 9-21-06,_____.

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

- (1) through (7) No change.
- (8) Prior to commencing a residency or internship, the resident/intern must submit a completed Registration Form, Form number DH-MQA 1114, 11/07.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 7-2-07,_____.

64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and ~~Pedorthic~~ Pedorthist.

- (1) through (2) No change.
- (3) Requirements for Licensure as a Pedorthist.
- (a) The minimum 120 hours of training must meet the following requirements:

- 1. The training must take place in a program approved by ABC BCP.
- 2. No change.
- (b) The internship must consist of 80 hours of pedorthic work experience under the direct supervision of a licensed orthotist, licensed pedorthist, an orthotist certified by ABC, or a pedorthist certified by ABC BCP.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 1-16-06, 9-21-06,_____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-5.002
 RULE TITLE: Continuing Education Requirement
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete obsolete language and update existing language.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 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 IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.002 Continuing Education Requirement.

(1) As a condition of license renewal or recertification, each licensee must complete approved continuing education.

~~(a) For the biennium ending May 31, 2001, each licensee must complete 10 hours of continuing education.~~

~~(b) For each biennium ending after May 31, 2001, Each licensee must complete the following continuing education within 24 months immediately preceding the date license renewal is due:~~

~~1. through 5. No change.~~

~~(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS; two hours of continuing education relating to prevention of medical errors which shall include a study of root cause analysis, error reduction and prevention, and patient safety and two hours on Chapters 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board. For the biennium beginning December 1, 2007, each licensee's continuing education must include one hour of infectious diseases including HIV/AIDS; two hours on Chapters 456, 468 Part XIV, F.S., and Rule Chapter 64B14, F.A.C.; an up to date registration showing competency as a Healthcare Provider by the American Heart Association, the American Safety and Health Institute or the American Red Cross; and two hours of continuing education relating to the prevention of medical errors, which shall include a study of root cause analysis, error reduction and prevention, and patient safety. The two hour medical errors course shall be a course approved by the Board and shall count toward the total number of continuing education hours required for the biennium.~~

~~(2) through (3) No change.~~

(4) Each licensee may receive ~~five~~ one hours of continuing education credit in risk management by attending a meeting of the Board at which disciplinary cases are heard.

(5) Credit for continuing education is approved for the following:

(a) No change

(b) Courses offered for continuing education by FAOP and those approved by ABC ~~or BCP~~ for their respective professions.

(c) through (d) No change.

(6) through (8) No change.

~~(9) For the first renewal period after licensure the licensee is exempt from continuing education requirements of subsection 64B14-5.002(1), F.A.C., except for hours mandated for medical errors.~~

Specific Authority 468.802, 468.806 FS. Law Implemented 456.013, 456.024, 468.806 FS. History—New 7-1-98, Amended 5-18-00, 7-18-02, 11-11-02, 2-15-05, 11-1-05, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:

64B32-2.001 License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to change home study course requirements.

SUBJECT AREA TO BE ADDRESSED: License Endorsement.

SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2),(3), 468.365 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: Susan Love, Executive Director, Board of Respiratory Care/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 Respiratory Care

RULE NO.: RULE TITLE:

64B32-4.002 Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes the rule to amend course requirements for reactivation.

SUBJECT AREA TO BE ADDRESSED: Reactivation of retired status license.

SPECIFIC AUTHORITY: 456.036(7),(9), 468.353 FS.

LAW IMPLEMENTED: 456.036(7),(9) 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: Susan Love, Executive Director, Board of Respiratory Care/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 Respiratory Care

RULE NO.: RULE TITLE:

64B32-6.001 Continuing Education Requirement

PURPOSE AND EFFECT: The rule amendment will add Emergency Preparedness to Continuing Education Requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 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: Susan Love, Executive Director, Board of Respiratory Care Specialists/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 CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:

65A-1.900 Overpayment and Benefit Recovery

PURPOSE AND EFFECT: Amendment to the proposed rule aligns policies for recovery of overpayment in the public assistance programs. Technical and non-substantive changes in the rule language are included.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language about who is responsible for repayment of overpayment of public assistance benefits.

SPECIFIC AUTHORITY: 409.919, 414.41, 414.45 FS.

LAW IMPLEMENTED: 24.115(4), 414.31, 414.41 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: January 7, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE NOS.:	RULE TITLES:
5G-6.001	Purpose
5G-6.003	Definitions
5G-6.005	Inspection
5G-6.007	Annual Food Permit Requirements of Tomato Packers and Repackers
5G-6.009	Tomato Best Practices Manual
5G-6.011	Exemptions
5G-6.013	Enforcement

PURPOSE AND EFFECT: The purpose of this rule is to establish inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida and to implement Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. A set of guidelines have been drafted through a cooperative effort between the FDACS and the Florida Tomato Industry to implement needed practices and procedures for safe production and handling of tomatoes. These guidelines are called the Tomato Best Practices Manual and are proposed for adoption by reference into this rule chapter. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who produce or handle tomatoes from field production through packing.

SUMMARY: This rule development will address inspection, permit requirements, and best practices in the tomato industry for growers, packers, re-packers and workers. This rule development will address the adoption by reference of the

Tomato Best Practices Manual guidelines for performing tomato food safety inspections on the farm, in tomato greenhouses and in tomato packing houses.

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

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

SPECIFIC AUTHORITY: 500.09(1)(b), (3), (4), 500.12(1) (f), 570.07(6), 570.07(23), 570.481(1)(a) FS.

LAW IMPLEMENTED: 500.03(1)(j), (n), 500.09(1)(b), (4), 500.12(1)(a), (f), 500.147(6), 570.48(2)(e), 570.481(1)(a), (b), 603.12, 603.13 FS.

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

DATE AND TIME: Monday, January 7, 2008, 2:00 p.m. until 4:00 p.m.

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295

THE FULL TEXT OF THE PROPOSED RULES IS:

FRESH TOMATO INSPECTION

5G-6.001 Purpose.

(1) This rule establishes inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida, as provided by Chapters 500 and 570, Florida Statutes.

(2) The purpose of these procedures and practices is to:

(a) Enhance the safety of tomatoes to the consuming public by the implementation of safer handling, production and packing practices.

(b) Prevent or minimize contamination of tomatoes either in the natural environment in which they are grown or in the handling, packing, repacking or selling of tomatoes once harvested since, once contaminated, removing or killing pathogens is difficult.