

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

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

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for annual permit fees charged to food establishments. CS/CS for SB 1702, as passed by the 2008 Legislature, authorizes the Department to recover the cost of services provided relative to issuance of a food permit. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety.

SUBJECT AREA TO BE ADDRESSED: This rule modifies the fee schedule for annual permit fees charged to food establishments to obtain a food permit.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS.

IF REQUESTED 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: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

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

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

Bottling Plant	385
<u>Bottled Water Plant</u>	500
Canning Plant	<u>490 440</u>
Convenience Store	330
Convenience Store with Limited Food Service	<u>430 385</u>
Convenience Store with Significant Food Service	<u>475 465</u>
Food Salvage Center	<u>470 440</u>
Food Storage Warehouse	355
Grocery Store	<u>540 465</u>

Health Food Store	300
Health Food Store with Food Service	<u>415 385</u>
Limited Sales	<u>130 400</u>
Meat Market	<u>455 385</u>
Minor Food Outlet	300
Minor Food Outlet, Only Non-perishable Foods	190
Minor Food Outlet with Limited Food Service	<u>415 355</u>
Minor Food Outlet with Significant Food Service	<u>470 440</u>
Mobile Vendor	300
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	<u>335 330</u>
Processor, Other Perishable Foods	<u>490 410</u>
Rabbit or Game Processor	<u>390 330</u>
Retail Bakery	355
Retail Bakery with Food Service	<u>490 440</u>
Salvage Store	<u>470 410</u>
Seafood Market	<u>410 355</u>
Seafood Processor	<u>520 440</u>
Semi-permanent Vendor	<u>195 190</u>
Supermarket	<u>650 500</u>
Wholesale Bakery	<u>530 465</u>

(5) No change.

(6) Recovery of Cost for Reinspections.

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

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

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

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

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

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

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0651 **RULE TITLE:** Alternative Credit Pilot Program
PURPOSE AND EFFECT: Establish implementation guidelines for the Alternative Credit Pilot Program.
SUBJECT AREA TO BE ADDRESSED: Implementation guidelines for earning credit in Algebra, Geometry, or Biology core courses by taking a career course that includes over 50% of the core benchmarks and passing and end-of-course examination in the core subject.
SPECIFIC AUTHORITY: Chapter 2008-174, Laws of Florida.
LAW IMPLEMENTED: Chapter 2008-174, Laws of Florida.
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: August 14, 2008, 9:00 a.m.
PLACE: Conference Call to 1(888)808-6959, Code: 4137943. Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Holly Edenfield, (850)245-0659, Holly.Edenfield@fldoe.org
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.: 9K-9.001, 9K-9.002, 9K-9.003, 9K-9.004, 9K-9.005, 9K-9.006, 9K-9.007, 9K-9.008
RULE TITLES: Purpose, Definitions, General Requirements and Eligibility Standards, Submission of Application and Application Materials, Application Review, Project Evaluation Criteria, Ranking and Selection of Applicants, Project Approval

9K-9.009 Modification to the Project Boundary
 9K-9.010 Preparation and Acceptance of the Management Plan
 9K-9.011 Title, Acquisition Procedures, Lease Agreements and Transfer of Title
 9K-9.012 Annual Stewardship Report Requirement

PURPOSE AND EFFECT: To implement rules to govern the Stan Mayfield Working Waterfronts Program.

SUBJECT AREA TO BE ADDRESSED: Stan Mayfield Working Waterfronts Program.

SPECIFIC AUTHORITY: 380.507(11), 380.5105(2) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.5105 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: Panhandle, August 5, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Apalachicola City Hall, 1 Bay Street, Apalachicola, Florida 32320, (850)653-8715

DATE AND TIME: Northeast Coast, August 6, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Marine Science Center, 1347 Palmer Street, Atlantic Beach, Florida 32233, (904)707-0742

DATE AND TIME: East Coast, August 12, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: North Indian River County Library, 1001 Sebastian Blvd. (CR 512), Sebastian, Florida 32958, (772)589-1355

DATE AND TIME: Keys, August 13, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Harvey Government Center, 1200 Truman Avenue, Key West, Florida 33040, (305)292-4501

DATE AND TIME: West/Southwest Coast, August 14, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Maritime Museum, 4415 119th Street West, Cortez, Florida 34215, (941)708-6121

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: Pam Kugler, Department of Community Affairs, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711. 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: Ken Reecy, Community Program Manager, Florida Communities Trust, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (850)922-1711

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-10.001	Purpose
9K-10.002	Definitions
9K-10.003	General Information
9K-10.004	Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price
9K-10.005	Confidentiality of Appraisals, Other Reports Relating to Value, Offers and Counteroffers
9K-10.006	Negotiation of Offers and Counteroffers
9K-10.007	Purchase Agreements
9K-10.008	Title Report and Evidence of Marketable Title
9K-10.009	Certified Survey
9K-10.010	Examination for Hazardous Materials Contamination
9K-10.011	Closing

PURPOSE AND EFFECT: To implement rules to govern the Stan Mayfield Working Waterfronts Program.

SUBJECT AREA TO BE ADDRESSED: Stan Mayfield Working Waterfronts Program.

SPECIFIC AUTHORITY: 380.507(11), 380.5105(2) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.5105 FS.

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PLACE: Maritime Museum, 4415 119th Street West, Cortez, Florida 34215, (941)708-6121

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DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-6.0015	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-6.0015, F.A.C., is to: (1) adopt, by reference, changes to the form used by taxpayers to grant a representative authority to perform certain acts on behalf of the taxpayer and to receive and inspect confidential information from the Department; and (2) update information on how to obtain the form from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed adoption of changes to Form DR-835, Power of Attorney and Declaration of Representative.

SPECIFIC AUTHORITY: 213.06(1), 213.21(1) FS.

LAW IMPLEMENTED: 72.011, 120.54(5), 120.569, 120.57, 213.21 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: August 5, 2008, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gary Moreland, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4831

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.097
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax; and (2) update information on how to obtain the forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of sales and use tax.

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

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DATE AND TIME: August 5, 2008, 10:00 a.m.
 PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-16.008
 RULE TITLE: Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge; and (2) update information on how to obtain the forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
 LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 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:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim

Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12A-19.100 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during the calendar year 2008; and (2) update the information on how to obtain copies of forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of the workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return.

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) 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: August 5, 2008, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

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DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:
 12A-19.100 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to adopt, by reference, revisions to Form DR-700012 (Application for Certification of Communications Services Database), and Form DR-700020 (Notification of Method Employed to Determine Taxing Jurisdiction).

Specifically, the revisions to form DR-700012, used by providers of communications services and vendors offering service address databases to apply to the Department for certification of a service address database:

- update, reorganize, and simplify the instructions for submitting a service address jurisdiction database for certification by the Department;
- advise applicants of the new information regarding errors found in the database provided by the Department after completing the testing of the applicant's database; and
- advise applicants of the requirement to submit a new application for certification of a database when there has been a material change.

Revisions to Form DR-700020 clarify which communications services providers are not required to file the form with the Department and notify it of the methods to be used for determining the local taxing jurisdiction in which service addresses are located.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the Department's proposed changes to these forms used by the Department in the administration of the communications services tax. This rule development workshop provides an opportunity to discuss these proposed form changes with interested parties.

SPECIFIC AUTHORITY: 175.1015(5), 185.085(5), 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 175.1015, 185.085, 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.008	Public Use Forms
12B-7.026	Public Use Forms
12B-7.031	Public Use Forms

PURPOSE AND EFFECT: Effective July 1, 2008, Section 2, Chapter 2008-150, Laws of Florida, imposes a surcharge of \$1.38 per ton on the production of phosphate rock in Florida. The tax returns for remitting the taxes imposed on the severance of solid minerals, phosphate rock, or heavy minerals (Forms DR-142 and DR-142ES) have been revised to provide for the reporting of the new surcharge.

The purpose of the proposed amendments to this rule chapter is to adopt the proposed changes to the Department's tax returns that are necessary to report the new surcharge (Forms DR-142 and DR-142ES) and to clarify, simplify, and update tax returns and instructions used to report the taxes imposed on the production of oil, gas, and sulfur in Florida (Forms DR-144, DR-144ES, DR-145, and DR-145X).

In addition, changes to the rule chapter are necessary to update the information on how to obtain copies of tax returns used to report the severance taxes, surcharges, and fees from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the reporting and remitting of the surcharge of \$1.38 per ton on the production of phosphate rock in Florida imposed by Section 2, Chapter 2008-150, L.O.F.; and (2) the proposed changes to the Department's existing tax returns and instructions used for reporting Florida's severance taxes.

SPECIFIC AUTHORITY: 211.075(2), 211.125(1), 211.33(6), 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b), (2), (3), (4), 211.026, 211.075, 211.076, 212.11(1)(b), 211.125, 211.30, 211.31, 211.3103, 211.3106, 211.33, 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

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DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.:	RULE TITLE:
12B-8.003	Tax Statement; Overpayments

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax; and (2) update the information on how to obtain copies of forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed adoption of changes to forms used by the Department in the administration of the insurance premium tax.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 175.041, 175.101, 175.1015, 175.111, 175.121, 175.141, 175.151, 185.02, 185.03, 185.08, 185.085, 185.09, 185.10, 185.12, 185.13, 213.05, 213.053, 213.235, 213.37, 220.183, 220.19, 220.191, 252.372, 288.99, 440.51, 443.1216, 624.11, 624.402, 624.4072, 624.4094, 624.402, 624.4621, 624.4625, 624.475, 624.501, 624.509, 624.5091, 624.5092, 624.50921, 624.510, 624.5105, 624.5107, 624.511, 624.515, 624.516, 624.518, 624.519, 624.520, 624.521, 624.601, 624.610, 626.7451(11), 627.311, 627.351, 627.3512,

627.357(9), 627.7711, 627.943, 628.6015, 629.401, 629.5011, 631.72, 632.626, 634.131, 634.313(2), 634.415(2), 636.066, 642.0301, 642.032 FS., Ch. 93-128, s. 29, 2005-280, L.O.F.

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: August 5, 2008, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12C-1.051	Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of the corporate income tax; (2) update the information on how to obtain copies of forms from the Department; (3) repeal forms F-1159 (Application for Child Care Tax Credits) and F-1159N (Instructions for Filing F-1159). The Child Care Tax Credit Program expired on June 30, 2008.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the corporate income tax.
 SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41,

220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 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: August 5, 2008, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT: myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12C-2.0115	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the intangible tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of the intangible tax.

SPECIFIC AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 196.199(2), 199.135, 199.232, 199.292 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: August 5, 2008, 10:00 a.m.

PLACE: Room 442, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kim Hancock, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS PUBLISHED ON THE DEPARTMENT'S INTERNET SITE AT myflorida.com/dor/rules.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-10.001	Composition of Value Adjustment Board
12D-10.002	Appointment and Employment of Special Magistrates
12D-10.003	Powers, Authority, Duties and Functions of Value Adjustment Board
12D-10.004	Receipt of Taxpayer's Petition to Be Acknowledged
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners
12D-10.005	Duty of Clerk to Prepare and Transmit Record
12D-10.006	Public Notice of Findings and Results of Value Adjustment Board

PURPOSE AND EFFECT: The purpose of these proposed rule changes is to set forth uniform procedures for hearings before value adjustment boards and their magistrates; and, to consider uniform forms related to these procedures. It is anticipated that Chapter 12D-10, Florida Administrative Code, will be substantially rewritten and that a new chapter may be created. The preliminary text of the proposed rule development will be available from the contact person listed below or from the Department's website for value adjustment board information at <http://dor.myflorida.com/dor/property/vabwb/vabws.html> on

or before July 21, 2008. General comments, questions, or suggestions about the value adjustment board process may be submitted to the Department at VAB@dor.state.fl.us.

The effect of these proposed rule changes is to provide clear, equitable, and uniform procedures for taxpayers who want to petition property tax matters to Value Adjustment Boards, including property tax assessments, denials of classifications, and denials of exemptions.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the property tax value adjustment board process.

SPECIFIC AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: Ch. 2008-197, Laws of Florida, 193.122, 194.011, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.096, 195.022, 196.011, 197.122, 200.069, 213.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIME: Live Oak, Florida, August 6, 2008, 10:00 a.m.; Tallahassee, Florida, August 12, 2008, 10:00 a.m.

PLACE: City Hall, 101 White Avenue, South East, Live Oak, Florida.; R.A. Gray Building, Heritage Hall Auditorium, 500 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Janice Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, e-mail address: ForrestJ@dor.state.fl.us. 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: Janice Forrester, Tax Auditor IV, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7945, e-mail address: ForrestJ@dor.state.fl.us.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE NO.: RULE TITLE:
 40C-1.1101 Amendments to and Releases of
 Regulatory Conservation
 Easements

PURPOSE AND EFFECT: The St. Johns River Water Management District (District) proposes to develop rules to address requests to the District to amend or release a conservation easement previously conveyed to the District for mitigation or in compliance with other regulatory requirements. The District will develop categories (and corresponding criteria) for evaluating requests for releases or amendments of regulatory conservation easements, such as (1) on-site boundary adjustments, (2) regulatory conservation easements not needed to meet regulatory requirements, (3) public projects, (4) other projects, and (5) legal errors.

SUBJECT AREA TO BE ADDRESSED: The proposed rule creates criteria in Chapter 40C-1, F.A.C., that the District will use to decide whether to agree to amend or release a conservation easement conveyed to it for mitigation or in compliance with other regulatory requirements.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.096 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: August 14, 2008, 10:00 a.m. – 12:00 Noon
PLACE: St. Johns River Water Management District's Jacksonville Service Center, Cypress Room, 7775 Baymeadows Way, Suite 102, Jacksonville, FL 32256

DATE AND TIME: August 21, 2008, 10:00 a.m. – 12:00 Noon
PLACE: St. Johns River Water Management District's Altamonte Springs Service Center, Econ Room, 975 Keller Road, Altamonte Springs, FL 32714

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandy Bertram, Asst. District Clerk, (386)329-4127. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART XI REGULATORY CONSERVATION EASEMENTS**40C-1.1101 Amendments to and Releases of Regulatory Conservation Easements.**

(1) This rule establishes the criteria that the District will use to decide whether to agree to amend or release a conservation easement conveyed to it for mitigation or in compliance with other regulatory requirements ("regulatory conservation easement"). For the District to agree to release or amend a regulatory conservation easement, the request for release or amendment must satisfy the requirements of any one of the following categories:

(a) On-site Boundary Adjustments.

1. The on-site acreage of both uplands and wetlands encumbered by conservation easement remains the same or greater; and

2. The ecological value of the final conservation easement(s) is equal to or greater than the original conservation easement.

3. On-site acreage includes only areas within the boundaries of the construction permit that required the conservation easement or the boundaries of a valid conceptual permit.

(b) Conservation Easements not needed to meet Regulatory Requirements.

1. The conservation easement was not used as mitigation for permitted impacts or otherwise to meet regulatory requirements due to the permittee not implementing the surface water management system and abandoning the permit in whole or in part for those impacts; or

2. The conservation easement encumbers an area where the mitigation has failed to meet permit conditions, despite all reasonably prudent measures being implemented to correct problems with the mitigation, and the permittee has obtained approval for alternative mitigation to offset the impacts and has implemented the alternative mitigation; or

3. The conservation easement was recorded and the permittee has not commenced construction under the permit that required the conservation easement and has obtained a permit modification approving different mitigation. In this instance, the District will release or amend the conservation easement consistent with the permit modification.

(c) Public Projects. For public projects proposed, or required to be implemented, by an entity with the power of eminent domain to condemn the conservation easement, the District will negotiate for a voluntary release of the conservation easement under the following terms and conditions:

1. The entity making the request must provide an analysis that demonstrates the proposed public project cannot practicably be located in a manner that will avoid the conservation easement.

2. To the greatest extent practicable, the proposed public project must be located within the conservation easement area:

a. Adjacent to or within existing utility rights-of-way, along the boundary of the conservation easement area, or adjacent to or within existing firelines or roadways;

b. To avoid wetlands or uplands that are used by listed wildlife species as defined in subsection 40C-4.021(20), F.A.C.;

c. To avoid a plant community that has been classified as three (3) or lower in the Florida Natural Areas Inventory; and

d. To minimize impacts to wetlands and other surface waters.

3. In exchange for the release, the entity making the request must provide the District with a conservation easement having comparable terms over other lands within the same drainage basin which have equivalent ecological and monetary value to the area being released.

a. To establish the relative ecological values of the two parcels, the District will determine the reduction in mitigation value of the existing conservation easement that would occur if the request were approved, and the mitigation value of the land area proposed for exchange, using the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C.

b. To establish monetary values, the District will obtain appraisals for the parcels to be exchanged and compare the value of the conservation easements on the two parcels. The applicant will pay the District for the cost of the appraisals and all associated costs. The cost of measures taken to reduce impacts shall be considered as part of the value in the exchange.

c. The District will not accept an exchange parcel which must be enhanced or otherwise modified to provide equivalent ecological value to the conservation easement being released; and

d. For conservation easements that also served as mitigation for permits issued by the U.S. Army Corps of Engineers under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act, the District will provide notice and an opportunity to comment or object to the release to Jacksonville District, U.S. Army Corps of Engineers. The District will consider any comments or objections from the Corps of Engineers when making the final decision to release such a conservation easement.

(d) Other Projects.

1. When the District is subject to, and determines it may not prevail in, a non-frivolous suit for a way of necessity, the District will apply the same criteria as stated in the category entitled public projects to negotiate a release.

2. For requests to release less than 1000 square feet of wetlands and/or less than 2,500 square feet of uplands, the District will release the conservation easement in exchange for credits from a mitigation bank with an equivalent mitigation value, but no less than 0.01 credits, or participation in a

government sponsored regional off-site mitigation area (ROMA), located within the same drainage basin as the area to be released from the conservation easement. When the District determines that a conservation easement was originally intended to prevent direct impacts or secondary impacts associated with docks, piers, boardwalks, or bulkheads, the District will agree to amend the easement to allow for specific activities other than docks, piers, boardwalks and bulkheads, but will not release the conservation easement.

3. For requests that do not qualify under any other provision in this rule, the District will consider proposals to exchange the conservation easement for a parcel shown on the District's Land Acquisition map as a potential acquisition and that meets the following requirements:

a. The land interest being provided as compensation must be within the same drainage basin and must have equivalent or greater monetary value and substantially greater ecological value that the area being released. To establish monetary values, the District will obtain appraisals for the parcels to be exchanged and compare the value of the conservation easements on the two parcels. The applicant will pay the District for the cost of the appraisal and all associated costs. To establish the relative ecological values of the two parcels, the District will determine the reduction in mitigation value of the existing conservation easement that would occur if the request were approved, and the mitigation value of the land area proposed for exchange, using the Uniform Mitigation Assessment Method (UMAM) in Chapter 62-345, F.A.C.

b. Any land interest provided to the District as compensation for the release of the conservation easement can not be used as mitigation for regulated wetland impacts other than the original impacts being mitigated by the conservation easement to be released.

c. The proposed land interest exchange would need to meet existing District requirements for land acquisition and management. The District land acquisition and management staff will review the proposed exchange to determine whether the land being offered can be managed to maintain the water resources values of the land.

d. The District will provide the Corps of Engineers with notice and an opportunity for comment prior to making a decision to release any conservation easement that also served as mitigation for a Corps permit. Any comment or objection by the Corps will be considered when the District makes the final decision regarding the release.

(e) Legal Errors. The District will agree to the release or amendment of a conservation easement when a release or amendment is necessary to correct legal errors or to conform the easement with the requirements of applicable permit conditions. Examples of such errors include: where the easement encumbers an entire subdivision rather than only those areas required to be encumbered by District permit; the legal description of the recorded conservation easement is

legally incorrect; the conservation was conveyed by an entity that did not have sufficient legal interest; or the language of the conservation easement is inconsistent with the permit that by condition requires the easement to include certain provisions or specifically allows for certain activities.

(2) Notice.

(a) Except as otherwise provided in this section, for any release of conservation easement for a parcel greater than 1000 square feet, the person requesting the release must provide the District with the names and addresses of all persons who own property abutting the conservation easement area proposed to be released or amended. In addition, the District shall provide notice to all persons who were "interested persons" regarding the permitting of the project which resulted in the conservation easement. An "interested person" is a person, other than the applicant, that requested notice of agency action regarding a specific permit application. The District shall provide notice by U. S. Mail, or e-mail when an e-mail address is available and provide a two-week comment period before taking action.

(b) However, even if a request for release of conservation easement exceeds 1000 square feet, notice of receipt of the request will not be given in instances where (1) the conservation easement was not used as mitigation for permitted impacts due to the permittee not implementing any of the impacts and abandoning the permit for those impacts; (2) the mitigation has failed to meet permit conditions, despite all reasonably prudent measures being implemented to correct problems with the mitigation and the permittee has obtained approval for alternative mitigation to offset the impacts and has implemented the alternative mitigation; or (3) the release is necessary to correct legal errors. Notice will be given if the request is based on a partial abandonment of the permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.096 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The Southwest Florida Water Management District (District) proposes to amend the definition of listed species in its rules governing the issuance of environmental resource permits (ERP) to update the rule references concerning listed wildlife and plant species, and to specifically reference the bald eagle, which is protected under a federal statute known as the Bald and Golden Eagle Protection Act. Under the District's existing rules, the bald eagle is included in the definition of listed species by reference to a previous Florida Fish and Wildlife Conservation Commission (FWC) rule identifying threatened species. However, the FWC has recently amended its rules, effective May 15, 2008, such that the bald eagle is no longer classified as a threatened

species by the FWC. Specifically, the District proposes to amend the definition of listed species in Section 1.7.23 of the Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications with the Southwest Florida Water Management District (BOR). Appendix 5 of the BOR will also be amended to include the bald eagle under a new category (other) and remove it from the category of threatened species. If these amendments are adopted, the protections afforded by the District's rules to wildlife species that are now classified as endangered, threatened or species of special concern would continue to be afforded the bald eagle.

SUBJECT AREA TO BE ADDRESSED: The proposed rules amend the definition of listed species in Section 1.7.23 of the Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District (BOR). The proposed rules will remove the bald eagle from the category of threatened species in Appendix 5 of the BOR and include it under a new category.

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, 373.4135, 373.4136, 373.414, 373.4144, 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: H. Clark Hull, Jr., Environmental Resource Permitting Director, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)423-1476. Email clark.hull@swfwmd.state.fl.us

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) Environmental Resource Permitting Information Manual Part B, Basis of Review, Environmental Resource Permit Applications within the Southwest Florida Water Management District, ~~_____ May 20, 2008~~. This document is available from the District upon request.

(2) through (5) No change.

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, 373.4135, 373.4136, 373.414, 373.4144, 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, 7-22-03, 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(1), 9-25-07(4), 11-26-07, 5-12-08, 5-20-08, 6-22-08,_____.

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
PART B, BASIS OF REVIEW
CHAPTER ONE – INTRODUCTION

1.7 EXPLANATION OF TERMS

1.7.1 – 1.7.22 No change.

1.7.23 “Listed Species” – Those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003 (as amended December 13, 2003), 68A-27.004 (as amended May 15, 2008), and 68A-27.005 (as amended November 8, 2007) ~~39-27.003, 39-27.004, and 39-27.005~~, F.A.C.; the Bald Eagle (Haliaeetus leucocephalus), which is protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d); and those plant species listed in 50 Code of Federal Regulation 17.12 (as amended August 28, 2007), when such plants are found to be located in a wetland or other surface water.

1.7.24 – 1.7.41 No change.

APPENDIX FIVE

LISTED WILDLIFE SPECIES THAT ARE AQUATIC OR WETLAND DEPENDENT AND THAT USE UPLAND HABITATS FOR NESTING OR DENNING

Fishes

No change.

Reptiles

No change.

Birds

Endangered

No change.

Threatened

Charadrius alexandrinus tenuirostris (southeastern snowy plover)

Charadrius melodus (piping plover)

Columba leucocephalus (white-crowned pigeon)

Grus canadensis pratensis (Florida sandhill crane)

Haliaeetus leucocephala (bald eagle)

Picoides borealis (red-cockaded woodpecker) ONLY IN LEE, COLLIER AND CHARLOTTE COUNTIES.

Sterna antillarum (least tern)

Sterna dougallii (roseate tern)

Polyborus plancus audubonii (Audubon's crested caracara)

Species of Special Concern

No change.

Other

Haliaeetus leucocephalus (bald eagle)

Mammals

No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-3.0535
RULE TITLE: Calculation of Quota License Transfer Fees

PURPOSE AND EFFECT: This rule explains how to calculate the transfer fee for a quota license.

SUBJECT AREA TO BE ADDRESSED: The new rule will address the method for calculating the transfer fee for a quota license.

SPECIFIC AUTHORITY: 561.11(1) FS.

LAW IMPLEMENTED: 565.32(3)(a) 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cecelia D. Jefferson, (850)921-8963. 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: Cecelia D. Jefferson, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.: 61C-1.001, 61C-1.002, 61C-1.0021, 61C-1.004
RULE TITLES: Definitions, Licensing and Inspection Requirements, Administrative Actions and Enforcement, General Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055. The proposed rule will also update specific requirements in the rule for consistency with the 2001 Food Code, as adopted by the division; update forms incorporated by reference; improve readability under the plain language initiative; and ensure accurate and consistent terms throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses changes to Chapter 509, F.S., resulting from Laws of Florida Chapter 2008-055. The proposed rule also addresses definitions, forms incorporated by reference; and a general update of the rule language to improve readability and ensure accurate and consistent terms throughout the rule.

SPECIFIC AUTHORITY: 509.032, 509.241 FS.

LAW IMPLEMENTED: 213.0535, 509.032, 509.091, 509.215, 509.221, 509.241, 509.251, 509.261, 559.79 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-3.001	Sanitation and Safety Requirements
61C-3.002	Consumer Protection Requirements

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055. The proposed rule will also update forms incorporated by reference; improve readability under the plain language initiative; and ensure accurate and consistent terms throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses changes to Chapter 509, F.S., resulting from Laws of Florida Chapter 2008-055. The proposed rule also addresses forms incorporated by reference and a general update of the rule language to improve readability and ensure accurate and consistent terms throughout the rule.

SPECIFIC AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.201, 509.2015, 509.211, 509.2112, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-4.010	Sanitation and Safety Requirements
61C-4.0161	Mobile Food Dispensing Vehicles and Theme Park Food Carts

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055. The proposed rule will also update specific requirements in the rule for consistency with the 2001 Food Code, as adopted by the division; improve readability under the plain language initiative; and ensure accurate and consistent terms throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses changes to Chapter 509, F.S., as a result of Laws of Florida Chapter 2008-055. The proposed rule will also provide a general update of the rule language to improve readability and ensure accurate and consistent terms throughout the rule.

SPECIFIC AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032, 509.035, 509.211, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

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

PURPOSE AND EFFECT: The Board proposes to the rule amendment to update the scope of practice of limited energy systems specialty contractors.

SUBJECT AREA TO BE ADDRESSED: The scope of practice of limited energy systems specialty contractors will be updated.

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, F.S., and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 ~~77~~ volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television, cable television, or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.

(a) through (b) No change.

(5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History--New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03, 9-16-07,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-341.417
RULE TITLE: General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks

PURPOSE AND EFFECT: The Department proposes to amend an existing noticed general environmental resource permit under Part IV of Chapter 373, F.S., for boat ramps and accessory docks. The amendments will conform the general permit with the requirements of Section 373.118(5), F.S. (as amended by Chapter 2005-158, Laws of Florida), including authorizing certain upland improvements associated with a boat ramp facility that is constructed, operated, and maintained by a governmental entity, provided the ramp and associated facilities remain open to the general public for the life of the facility. The amendments also will make the general permit more useable by expanding the geographical area where boat ramps can be constructed, altered, operated, and maintained.

A Notice of Development of Rulemaking was originally published on August 5, 2005, in the Department's Internet noticing site at www.dep.state.fl.us/. Nine public workshops were noticed and held in 2006 through 2007. Because the last workshop notice was published over one year ago, the Department is re-noticing this Notice of Rule Development to provide notice to the public that the Department is moving forward with this rulemaking.

SUBJECT AREA TO BE ADDRESSED: Amendments to the existing noticed general environmental resource permit in Rule 62-341.427, F.A.C., for boat ramp facilities.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 373.118(1), 373.118(5), 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 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: Ann Lazar, Environmental Supervisor, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources at 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, by e-mail at ann.lazar@dep.state.fl.us, or at (850)245-8495. Draft rule text and further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC No. 05-1659)

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

DEPARTMENT OF JUVENILE JUSTICE

Staff Training

RULE NOS.:	RULE TITLES:
63H-1.001	Purpose and Scope
63H-1.002	Definitions
63H-1.003	Authorized Levels of Response
63H-1.011	Rehired Employee Training

PURPOSE AND EFFECT: The amendments clarify the purpose and scope, and refine the definitions of “facility” and “program”, so that day treatment and facility-based conditional release will be deemed “facilities”, while community-based conditional release will be deemed “programs”. A form is updated, and the threshold for a level 2 response is clarified to require a specified safety risk. The rule section governing authorized response is also amended to reflect the current use of trauma-informed care as a guiding principle. Training requirements for rehired staff are amended.

SUBJECT AREA TO BE ADDRESSED: The amended rule clarifies the purpose and scope, makes necessary changes to definitions, updates a form, and clarifies the authorized level of response for the department’s verbal and physical intervention techniques. The amended rule also changes the training requirements for rehired staff.

SPECIFIC AUTHORITY: 985.64, 985.645 FS.

LAW IMPLEMENTED: 985.645 FS.

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

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

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel’s Conference Room 3223, Tallahassee, Florida

For participation by telephone contact: John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.:	RULE TITLE:
64B7-32.003	Minimum Requirements for Board of Massage Therapy Approval

PURPOSE AND EFFECT: The Board proposes the rule amendment to address course of study and classroom hour requirements.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board of Massage Therapy approval.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.103	Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credits and license renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-6.001
RULE TITLE: Continuing Education as a Condition for Renewal or Reactivation

PURPOSE AND EFFECT: The proposed rule amendment would specify attendance at a board meeting when covering in the area of ethics.

SUBJECT AREA TO BE ADDRESSED: Continuing Education as a Condition for Renewal or Reactivation.

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4)(a), 468.1195(1), (3), 468.1205(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.072(1), (2), 468.1195(1), (3), 468.1205(1), 468.1295(1), (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: Pamela King, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-6.001 Continuing Education as a Condition for Renewal or Reactivation.

(1) through (3) No change.

(4) Two hours of continuing education credit per year in the area of ethics shall be granted a licensee or certified assistant for attendance at a regularly scheduled face-to-face Board meeting. Licensees or certified assistants appearing before the Board on any disciplinary proceeding shall not be entitled to claim any continuing education credit for that particular Board meeting. Licensees must attend at least two hours of a Board meeting to be granted credit under this

section. Proof of attendance shall be documented on Form SPA 10/AHCA, entitled, Proof of Attendance, effective 3-28-95, which is incorporated by reference herein. Copies of said form shall be provided at Board meetings.

(5) Through (12) No change.

Specific Authority 456.013(7), 468.1135(4)(a), 468.1195(1), (3), 468.1205(1) FS. Law Implemented 456.013(7), 456.072(1), (2), 468.1195(1), (3), 468.1205(1), 468.1295(1), (2) FS. History—New 3-14-91, Amended 8-11-91, 5-28-92, 2-24-93, Formerly 21LL-6.001, Amended 1-31-94, 7-5-94, Formerly 61F14-6.001, Amended 3-28-95, 10-1-95, 11-20-95, 4-1-96, Formerly 59BB-6.001, Amended 7-7-98, 1-6-00, 4-4-02, 3-28-04, 5-26-05, 4-4-06,_____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.004
RULE TITLE: Citations

PURPOSE AND EFFECT: The proposed rule amendment increases the penalty imposed for each violation.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.077, 468.1295 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: Pamela King, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-7.004 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Practice on an inactive license or certificate for less than six months. The fine shall be ~~\$125~~ \$0 for each month or fraction thereof of practice within a maximum fine of \$750 for each violation. (See Section 468.1295(1)(h), F.S.)

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. The fine shall be \$1,000. (See Section 468.1295(1)(d), F.S.)

(c) Failure to submit to the board on an annual basis certification of testing and calibration of equipment. The fine shall be \$250. (See Section 468.1295(1)(u), F.S.)

(d) Failure to maintain and have available for inspection by the Agency certifications for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year. The fine shall be \$500 ~~250~~. (See Rule 64B20-8.001, F.A.C.; Section 468.1295(1)(k), F.S.)

(e) Failure to identify the type of license under which the practitioner is practicing. The fine shall be \$500 ~~250~~. (See Section 456.072(1)(t), F.S.)

(4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077, 468.1295 FS. History—New 2-12-92, Amended 8-24-92, 11-9-92, Formerly 21LL-7.004, 61F14-7.004, 59BB-7.004, Amended 8-9-04, 8-28-07, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:

64F-12.001 General Regulations; Definitions

PURPOSE AND EFFECT: The Department proposes to review this rule section for the possibility of making changes to definitions of terms, to promulgate new definitions of terms and delete definitions of terms. This process will include but not be limited to reviewing this section for rule promulgations related to legislative changes to Chapter 499, Florida Statutes, including but not limited to changes made by the 2008 Florida legislature.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development will be the definitions of terms applicable to Chapter 64F-12, Florida Administrative Code and to Chapter 499, Florida Statutes.

SPECIFIC AUTHORITY: 499.05, 499.024, 499.025(5), 499.003(31), 499.01(6) 499.03(4), 499.0121(6), 499.0122(2), 499.014(5), 499.013(3), 499.012(12) FS.

LAW IMPLEMENTED: 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75, 499.081 FS.

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

DATE AND TIME: Thursday, August 7, 2008, 1:00 p.m. – 4:00 p.m. EST

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

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 2 days before the workshop/meeting by contacting: Maxine Wenzinger, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292. 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:

64F-12.012 Records of Drugs, Cosmetics and Devices

PURPOSE AND EFFECT: The Department proposes to review this section for possible revisions to all records and recordkeeping requirements for Drugs, Devices and Cosmetics. This review includes but is not limited to pedigree requirements for prescription drug distributions.

SUBJECT AREA TO BE ADDRESSED: Records and recordkeeping for drugs, cosmetics and devices.

SPECIFIC AUTHORITY: 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.01, 499.003, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.051, 499.052, 499.06, 499.063, 499.064, 499.066, 499.067 FS.

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

DATE AND TIME: Thursday, August 7, 2008, 1:00 p.m. – 4:00 p.m. EST.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

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 2 days before the workshop/meeting by contacting: Maxine Wenzinger, 4052 Bald Cypress Way, Mail Bin C04, Tallahassee, Florida 32399, (850)245-4292. 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.013 RULE TITLE: Prescription Drugs; Receipt, Storage and Security

PURPOSE AND EFFECT: The Department proposes to review this section to update the provisions as necessary. This includes but is not limited to updating this section in response to statutory changes, which may include but are not limited to changes made to Chapter 499, Part I, F.S., made by the 2008 Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: Rules related to the receipt, storage and security of prescription drugs. This includes but is not limited to updating the requirements for receipt and authentication of pedigrees.

SPECIFIC AUTHORITY: 499.0121(1), 499.05 FS.

LAW IMPLEMENTED: 499.003,(31), 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS.

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

DATE AND TIME: Thursday, August 7, 2008, 1:00 p.m. – 4:00 p.m. EST

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399

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 2 days before the workshop/meeting by contacting: Maxine Wenzinger, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4736. 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-6.009 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To revise the following forms to comply with Section 119.071(5), F.S. (2007), that precludes an agency from requesting an individual’s social security number unless such collection conforms to the specified provisions of that statute. The following forms are revised: Form DWC 250 (Notice of Election to be Exempt), is amended to include a purpose and use statement regarding the collection of the social

security number; Form DWC 250-R (Notice of Revocation of Election to be Exempt), DWC 251 (Notice of Election of Coverage), and DWC 251-R (Revocation of Election of Coverage), are amended so that the collection of the social security number is discontinued. This amendment also makes a clerical revision to the existing rule relating to a field office address.

SUBJECT AREA TO BE ADDRESSED: Revision of Forms.

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

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

PLACE: 104J, Hartman Bldg., 2012 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter. 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: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. ~~1/08~~); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. ~~1/08~~).

(b) DWC 250-R Revocation of Election to be Exempt, eff. revised 2/00.

(c) DWC 251 Notice of Election of Coverage, eff. revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, eff. revised 2/00.

(e) DWC 252, Certificate of Election to be Exempt, (eff. 1/08).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers’ Compensation website at: www.fldfs.com/WC/ or from any field office, unless otherwise limited to direct issuance by the Division.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B
Suite 250
Jacksonville, FL 32209
Telephone (904) 798-5806

1111 N. E. 25th Avenue, Suite 403
Ocala, FL 34470
Telephone (352)401-5350

2012 Capital Circle, S. E.
Suite 106402, Hartman Bldg.
Tallahassee, FL 32399-2161
Telephone (850)413-1609

3111 South Dixie Highway
Suite 123
West Palm Beach, FL 33405
Telephone (561)837-5716

610 East Burgess Road
Pensacola, FL 32504-6320
Telephone (850)453-7804

4415 Metro Parkway
Suite #300
Ft. Myers, FL 33916
Telephone (239) 938-1840

499 N.W. 70th Avenue
Suite 116
Plantation, FL 33317
Telephone (954)321-2906

Live Oak Business Center
5969 Cattleman Lane
Sarasota, FL 34232
Telephone (941)329-1120

1313 North Tampa Street
Suite 503
Tampa, FL 33602
Telephone (813)221-6506

401 N.W. 2nd Avenue
South Tower, Suite 321
Miami, FL 33128
Telephone (305)536-0306

400 West Robinson Street
Suite N 512, North Tower
Orlando, FL 32801
Telephone (407)835-4406 or
(407)245-0896

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.05 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07, 1-7-08, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.028
RULE TITLE: Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms Department Authorization; Records; Penalties

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to delete obsolete website.

SUMMARY: The proposed rule action will delete an obsolete website and update and revise forms.

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: 487.042, 487.051, 570.07(23) FS.

LAW IMPLEMENTED: 487.051, 487.160 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Department Approval; Records; Penalties.

(1) No change.

(2) Permit Requirements and Procedures.

(a) Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.flpesticidepermit.org> ~~http://www.temikpermit.com~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, Rev. 06/08 ~~revised 9/06~~, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, Rev. 04/08 ~~revised 5/04~~, to the address listed on the form.

(b) through (d) No change.

(3) Forms.

(a) Form DACS-13317, Rev. 06/08, Application for Permit to Apply Aldicarb (Temik), ~~revised 9/06~~, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~http://www.flaes.org~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Rev. 04/08, Request for Username and Password for Electronic Temik Permit Application, ~~revised 5/04~~, hereby adopted and incorporated by reference, may be obtained from the web sites <http://www.doacs.state.fl.us/onestop/aes/temik.html> ~~http://www.temikpermit.com~~ or ~~http://www.flaes.org~~ or from the Pesticide Certification Section, Florida Department of