

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.033
RULE TITLE: Standards for Nonpartisan Voter Education

PURPOSE AND EFFECT: The proposed rule revision is to update the standards for nonpartisan voter education. The revisions reflect the Department of State's review in every general election year of the Supervisor of Elections' voter education programs. The revisions include new emphasis on the use of the Internet to increase access to voter information.

SUBJECT AREA TO BE ADDRESSED: Standards for Nonpartisan Voter Education.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 97.012(4), 98.255 FS.

LAW IMPLEMENTED: 98.255 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: March 5, 2009, 10:00 a.m.

PLACE: Florida Department of State, R. A. Gray Building, Room 307, 500 S. 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 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, Florida Department of State, nlshotwell@dos.state.fl.us or (850)245-6536. 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: Maria Matthews, Assistant General Counsel, Florida Department of State, mimatthews@dos.state.fl.us or (850)245-6536

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.039
RULE TITLE: FVRS Voter Registration Processes

PURPOSE AND EFFECT: The proposed language codifies a number of uniform practices and procedures based on statutory requirements relating to voter registration processes under the Florida Voter Registration System implemented in January 2006

SUBJECT AREA TO BE ADDRESSED: FVRS Voter Registration Procedures.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1)-(2) 97.052(1), 98.015(10)-(12), 98.035(5), 98.045(5) FS.

LAW IMPLEMENTED: 97.052, 97.053, 98.015, 98.035, 98.045 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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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.040
RULE TITLE: Statewide Uniform Voter Registration Application

PURPOSE AND EFFECT: The primary purpose of the proposed rule revision is to conform the statewide voter registration application form to recent statutory changes, specifically as part of Chapter 2008-95, Laws of Florida which revised the category of persons who may pre-register to include any person who is 16 years old. Other format and non-substantive changes are made to streamline the form, DS-DE #39, which is incorporated by reference into the rule.

SUBJECT AREA TO BE ADDRESSED: Statewide Voter Registration Application.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 97.052(1) FS.
LAW IMPLEMENTED: 97.041, 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.041
RULE TITLE: FVRS Address and Records Maintenance

PURPOSE AND EFFECT: The proposed language codifies a number of practices and procedures evolving from statutory requirements relating to address list maintenance activities and voter registration records maintenance activities. These procedures are designed to further ensure the official list of registered voters in the Florida Voter Registration System is accurate and current as to addresses and eligibility.

SUBJECT AREA TO BE ADDRESSED: FVRS Address and Eligibility Records Maintenance Activities.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 98.015(10), 98.015(11), 98.015(12), 98.035(5), 98.0655, 98.075(1) FS.

LAW IMPLEMENTED: 98.035, 98.065, 98.0655, 98.075 FS.

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DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043
RULE TITLE: Report Requirements for Elections Results and Voting Activity

PURPOSE AND EFFECT: This rule development workshop is the third workshop held since September 2005 to codify uniform practices and specifications for statutory requirements for reporting voting history activity, absentee ballot request information, and precinct-level election results. The underlying statutory requirements were substantially revised in ss. 8 and 21 of chapter 2008-95, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Reporting Requirements for Submitting Date on Voting History Activity, Absentee Ballot Requests, and Election Results.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 98.0981, 101.62(3), 101.657(2) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657 FS.

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agency at least 5 days before the workshop/meeting by contacting: Nolah Shotwell, Executive Assistant, Office of the General Counsel, (850)245-6536. 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).

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-8.0011	Standards Adopted
5F-8.0012	Bureau of Fair Rides Inspection Forms
5F-8.009	Inspections by Owner or Manager
5F-8.0125	Fencing and Gate Standards
5F-8.0126	Minor Rule Violations; Notice of Non-Compliance
5F-8.0127	Enforcement Actions and Administrative Penalties
5F-8.0128	Resolution of Violations, Settlement, and Additional Enforcement Remedies
5F-8.014	Training of Managers, Attendants, and Maintenance Persons
5F-8.015	Regulation of Go-Karts and Similar Vehicles
5F-8.016	Regulation of Water Parks
5F-8.025	Regulation of Bungy Operations
5F-8.050	Games

PURPOSE AND EFFECT: The purpose of these rules is (1) to incorporate materials by reference; (2) the rule revision for Bureau of Fair Rides Inspection Forms is proposed for the purpose of correcting revision dates & adopting changes to those forms adopted by the Bureau; (3) to revise the provisions relating to the Owner’s Daily Inspection Reports to allow fair ride owners to submit their own form documenting the daily inspections as long as the owner’s form contains the same information required by and included on the Department’s forms; (4) to adopt fencing and gate standards for all amusement rides operating within the state; (5) to adopt guidelines for imposing administrative remedies when the Department determines there is a violation of the statute or rules; (6) to revise the provisions relating to the Employee Training Records to allow the fair ride owners to submit their

own form documenting the training of managers, attendants, and maintenance persons as long as the owner’s form contains the same information required by and included on the Department’s form; (7) to set forth guidelines for attendants in regards to track monitorship; (8) to revise attendant responsibilities on all water related rides; and (9) to add a Bureau authorized game to those already approved to operate within the State.

SUBJECT AREA TO BE ADDRESSED: This rulemaking amends Chapter 5F-8, F.A.C., which relates to safety standards for amusement rides operating in the state of Florida. Specifically, this rule addresses incorporating forms and materials by reference, providing alternate forms that fair ride owners may use in lieu of Department forms, adopts fencing and gate standards for all amusement rides and adopts guidelines for imposing administrative sanctions.

SPECIFIC AUTHORITY: 616.165, 616.242 FS.

LAW IMPLEMENTED: 616.242 FS.

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

DATE AND TIME: March 4, 2009, 10:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, 3125 Conner Blvd., 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 24 hours before the workshop/meeting by contacting: Robert H. Jacobs, Bureau Chief of Fair Rides Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399, (850)488-9790. 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: Robert H. Jacobs, Bureau Chief of Fair Rides Inspection, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399, (850)488-9790

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.:	RULE TITLE:
5L-1.003	Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: This amendment proposes to update the legal descriptions of all shellfish harvesting area by making minor changes in order to make the legal descriptions easier to read. The simple changes do not require changing the maps, management plans or legal boundaries.

SUBJECT AREA TO BE ADDRESSED: The proposed update of the legal descriptions for all shellfish harvesting areas is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 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 7 days before the workshop/meeting by contacting: Chris Brooks. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.301
RULE TITLE: Law Libraries

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC5-152, Law Library Interlibrary Loan Request, incorporated by reference in Rule 33-501.301, F.A.C., to eliminate language requiring an inmate to specify which outcome(s) of a Shepard’s report he or she would like to know (distinguished, overturned, etc.).

SUBJECT AREA TO BE ADDRESSED: Law Libraries.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) through (10) No change.

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

(a) Form DC-152, Law Library Interlibrary Loan Request, effective _____, 4-7-07.

(b) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History–New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended 2-15-01, 11-4-01, 12-23-03, 1-7-07, 1-6-09,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.243
RULE TITLE: Basic Training Program – Employee Standards of Appearance Conduct, and Fitness

PURPOSE AND EFFECT: The purpose and effect is to amend Rule 33-601.243, F.A.C., to require that correctional officers selected for the basic training program must complete the 40-hour youthful offender training before being assigned to work with youthful offenders.

SUBJECT AREA TO BE ADDRESSED: Basic Training Program.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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 S: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.243 Basic Training Program – Employee Standards of Appearance, Conduct, and Fitness.

(1) through (3) No change.

(4) Correctional officers in the basic training program will be expected to pass a physical fitness test prior to assignment to a post in the basic training program and every quarter year thereafter in order to remain physically capable of performing the assigned duties. Correctional officers selected for the basic training program shall complete the 40 hour job specific youthful offender training before being assigned to work with youthful offenders.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-26-89, Amended 1-25-96, Formerly 33-27.014, 33-506.213, Amended 1-17-02,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The rulemaking is intended to set forth the permit fee for 20 year water use permits that are being proposed in related rulemaking in Chapter 40D-2, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District’s permit fee schedule to add fees for 20 year permits being proposed in related rulemaking in Chapter 40D-2, F.A.C. The fees will be tiered based on the quantity of water authorized to be used by the water use permittee.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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

DATE AND TIME: February 27, 2009, 10:00 a.m.

PLACE: Southwest Florida Water Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Dianne

Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-2.041 Permits Required

PURPOSE AND EFFECT: The District proposes to make further refinements in the definitions of General and Small General Water Use Permits (WUPs) set forth in Rule 40D-2.041, F.A.C., which was recently amended. General WUPs are issued for combined annual average daily water demands of less than 500,000 gallons per day (gpd) but greater than or equal to 100,000 gpd. Recent amendments elevated certain water demands of less than 100,000 gpd formerly categorized as Small General WUPs to the General WUP category, which amendments included defining all permits with surface water withdrawals less than 100,000 gpd as a General WUP. The proposed amendments will clarify that for permits authorizing surface water withdrawals, only those for which the primary source is a surface water and the combined annual average daily water demand is at least 50,000 gpd will be categorized as General Permits. The General WUP category is also amended to include permits with annual average water demands of less than 100,000 gpd when the maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area of Hillsborough County. In that specific area, WUPs authorizing less than 100,000 gpd will be elevated to the General WUP category if the maximum daily withdrawal quantity for crop protection or other use equals or exceeds 1,000,000 gpd. This is due to the concentration of agricultural water use in that specific area, primarily for strawberries, which require significant crop protection withdrawals during the winter growing season. The effect of these amendments is to limit the Small General WUP category to those combined annual average water demands of less than 100,000 gpd that require only minimal staff evaluation, due to little-to-no impact upon the water resources.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.219, 373.223, 373.224, 373.226 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-2.041 Permits Required.

(1) No change.

(2) Water Use Permit categories are based on the combined annual average daily water demand, defined as the total reasonable-beneficial water quantity necessary for the proposed water use, to be obtained during one year from ground water, surface water, alternative water supply, imported water or any other water source, divided by 365 days and expressed in gallons per day (gpd). The District issues the following categories of Water Use Permits:

(a) Individual. No change.

(b) General. Water Use Permits for the following are issued by District staff as General Water Use Permits, except as provided in Chapter 4, Section 4.3 A.1.a.ii.(4) of the Basis of Review:

1. A combined annual average daily water demand less than 500,000 gpd but greater than or equal to 100,000 gpd; or

2. A combined annual average daily water demand less than 100,000 gpd when:

a. The drought annual average is 100,000 gpd or more in the Southern Water Use Caution Area;

b. Withdrawal is for mining or dewatering;

c. The primary withdrawal source is a surface water and the combined annual average daily water demand is at least 50,000 gpd; or

d. The withdrawals are required by the permit to be metered and withdrawal quantities reported to the District, ~~or~~

e. The maximum daily withdrawal quantity equals or exceeds 3,000,000 gpd for crop protection or other use unless at least one permitted withdrawal facility is located within the Dover-Plant City area, in which case the maximum daily withdrawal quantity equals or exceeds 1,000,000 gpd for crop protection or other use

(c) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-4-84, 10-1-89, 2-10-93, 4-11-94, 1-1-07, 12-30-08,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.301	Conditions for Issuance of Permits
40D-2.321	Duration of Permits

PURPOSE AND EFFECT: The rulemaking is intended to set forth the criteria to be met to obtain a water use permit with a 20 year duration. In addition, the rulemaking is intended to set forth environmental resource permitting requirements for issuance of a water use permit for multi-phase projects that require both a water use permit and an environmental resource permit.

SUBJECT AREA TO BE ADDRESSED: The subject area of the proposed rulemaking is amendments to the District water use permitting rules in Chapter 40D-2, F.A.C., and Part B, Basis of Review For Water Use Permit Applications, of the Water Use Permit Information Manual regarding the standards that must be met to obtain a water use permit with a duration of 20 years. Small General permits will be issued with a 20 year duration. General or Individual permits applicants may request a permit with up to a 20 year permit duration where the applicant demonstrates (1) exceptional implementation of alternative water supplies and water conservation, or (2) the provision of a significant quantity of alternative water supply that offsets the withdrawal of ground water, and (3) agreement to comply with conservation and water resource protection standards and associated water use compliance phase-in periods when adopted by rule. The proposed rules also describe required five year compliance reports and the information to be reported for 20 year permits. Other standards for 20 year permits may be developed during rulemaking.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.236, 373.239, 373.243 FS.

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.607
RULE TITLE: Permit Application Processing Fees

PURPOSE AND EFFECT: This rulemaking was initiated after the recent statutory amendments to Section 373.109, Fla. Stat., enacted pursuant to Section 18 of Senate Bill 1294 (2008), (Chapter 2008-150, Laws of Florida). Subsequent to the enactment of these statutory amendments, the Florida Department of Environmental Protection (Department) proposed in Rule 62-113.200, F.A.C., the delegation of its authority to implement the statutory amendments to the water management districts. There are three categories of revisions proposed in Rule 40E-1.607, F.A.C. The first is to reflect upward adjustments to fees based on CPI. The second is to reflect new categories of fees authorized pursuant to Subsections 373.109(b)-(d), Fla. Stat. The third is an adjustment in fees to more accurately reflect the costs of "processing, monitoring, and inspecting for compliance."

As required by Section 373.109, Fla. Stat., and Rule 62-113.200, F.A.C., the proposed rule provides for the District to adjust all of the fees to reflect at a minimum, any upward adjustment in the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase, and identifies the inflation index used for making the fee adjustments. The proposed actual upward adjustments appear on Tables 40E-1.607(3)(a), (3)(b), and (5), F.A.C. The inflation index, designated by the Department, used for making all fee adjustments is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the "CPI-U, U.S. City Average, All Items" established for the previous five years by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi/),

computed as provided in the BLS publication "Handbook of Methods", Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf).

These statutory amendments and proposed delegation also require increases in permit application fees and new fees under the Environment Resource Permit program of Part IV, Chapter 373, Fla. Stat.: (1) pursuant to the requirements of Subsection 373.109(1)(b), Fla. Stat., fees for noticed general permits pursuant to Chapter 40E-400, F.A.C., are increased from \$100 to \$250; (2) pursuant to Subsection 373.109(1)(c), Fla. Stat., a new \$100 fee to verify qualification for an exemption from regulation under Part IV of Chapter 373, Fla. Stat.; and (3) pursuant to Subsection 373.109(1)(d), Fla. Stat., a new \$500 fee to conduct an informal wetland boundary determination.

In order to recover a larger portion of the cost to the District to process, monitor and inspect for compliance, the District is also proposing additional adjustments to fees for Individual Permits and modifications for non-agricultural projects (including mitigation banks), Standard General Permits and General Permits for non-agricultural projects both new and modified, Dredge and Fill Permits both Short Form and Standard, Formal Wetland Determinations (including modified categories), Property Transfers, Individual Operations, Early Work, Environmental Resource and Surface Water Management letter modifications, Environmental Restoration Enhancements and Variances under Chapters 120 and 403, Fla. Stat. The District is also proposing a new \$100 fee to process No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C., and a new \$500 fee to process permit extensions.

SUBJECT AREA TO BE ADDRESSED: New fees for activities conducted under Part IV of Chapter 373, F.S., and adjustments to all fees to reflect inflation and costs to process, monitor and inspect for compliance.

SPECIFIC AUTHORITY: 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), 403.201 FS.

LAW IMPLEMENTED: 218.075, 373.016(5), 373.103, 373.109, 373.4135, 373.421(2), 373.421(6)(b), 403.201 FS.

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

DATE AND TIME: March 4, 2009, 1:30 p.m.

PLACE: South Florida Water Management District, B-1 Building, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

DATE AND TIME: March 10, 2009, 10:30 a.m.

PLACE: South Florida Water Management District Lower West Coast Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

DATE AND TIME: April 1, 2009, 1:00 p.m.

PLACE: Osceola County Extension Office, Osceola Heritage Park, 1921 Kissimmee Valley Lane, Kissimmee, FL 34744-6107

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Maria Clemente, P.E., Division Director, Regulatory Program Support, Environmental Resource Regulation, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 2308 or (561)682-2308, email: mclement@sfwmd.gov. For procedural issues contact Jan Sluth, Senior Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.607 Permit Application Processing Fees.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. An application shall not be considered complete until the appropriate application fee is submitted. These fees are assessed in order to defray the cost of evaluating, processing, monitoring, and inspecting for compliance 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 be exempt or the fee submitted is determined by the District to be incorrect. Failure of any person to pay the applicable fees established herein will result in denial of an application. Activities that do not require a permit and are exempt pursuant to Rule 40E-2.051 or 40E-3.051, F.A.C., are not subject to the following permit application fees. The District's permit application processing fees are as follows:

(1) through (2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Individual Permit, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$ 4,029 3050
All others, <u>including Mitigation Banks</u>	\$ 7,500 5000
Project area 100 acres to less than 640 acres	
Agriculture	\$ 5,284 4000
All others, <u>including Mitigation Banks</u>	\$ 13,125 7500
Project area 640 acres or more	
Agriculture	\$ 6,605 5000
All others, <u>including Mitigation Banks</u>	\$ 25,000 10,000
New Individual Permit, Mitigation Bank	
Project area less than 100 acres	\$5000
Project area 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
Individual Permit Modification, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$ 2,708 2050
All others, <u>including Mitigation Banks</u>	\$ 5,000 3500
Project area 100 acres to less than 640 acres	
Agriculture	
All others, <u>including Mitigation Banks</u>	\$ 3,303 2500
Project area 640 acres or more	\$10,000 5000
Agriculture	\$ 4,624 3500
All others, <u>including Mitigation Bank</u>	\$ 15,000 7500
Individual Permit Modification, Mitigation Bank	
Project area less than 100 acres	\$3500
Project area 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$ 859 650
All others	\$ 3,500 2000
Standard General Permit Modification including Application for phase construction under a Conceptual Approval Application for Individual Permit Modification for a system which does not exceed the criteria in Rule 40E-40.041, F.A.C., and which is not required to obtain an individual environmental resource permit for the reasons in subsection 40E-40.011(2), F.A.C.	
Agriculture	\$ 661 500
All others	\$ 1,500 4000
Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$ 250 100
Single family residential homesite consisting of 10 acres or less in total land area	\$ 100

Standard General Permit for incidental site activities pursuant to Rule 40E-40.042, F.A.C. <u>(Early Work)</u>	\$ 1,000 <u>500</u>
Transfer of permit (including Mitigation Bank) to another entity pursuant to Rules 40E-1.6107 and 40E-4.351, F.A.C.	\$ 675 <u>450</u>
Variance associated with an environmental resource permit application From paragraph 40E-4.301(1)(e), F.A.C	\$ 750 <u>400</u>
From other permitting standards, permit conditions, or water quality standards	\$ 1,500 <u>500</u>
New Individual Operation Permit	\$ 5,250 <u>3,500</u>
Letter Modification	\$ 250 <u>100</u>
New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site	\$ 250 <u>100</u>
<u>No Notice General Permits pursuant to Rules 40E-400.315 and 40E-400.316, F.A.C.</u>	\$ 100
<u>Verification that an activity is exempt from regulation under Part IV, Chapter 373 or 403.813, F.S.</u>	\$ 100
<u>Informal wetland boundary determinations under Part IV of Chapter 373, F.S. for property less than or equal to 1 acre</u>	\$ 500
<u>Permit Extensions</u>	\$ 500

1. through 4. No change.

5. The District shall use the Consumer Price Index (CPI) adopted by the United States Department of Labor since the most recently revised fee increase for revising fees under Part IV of Chapter 373, F.S., pursuant to Section 373.109, F.S. The inflation index used is the price paid by all urban consumers for a market basket of consumer goods and services; specifically, the CPI figures for the “CPI-U, U.S. City Average, All Items” established for the previous five years by the Bureau of Labor Statistics (BLS) (www.bls.gov/cpi/), computed as provided in the BLS publication “Handbook of Methods”, Chapter 17 (www.bls.gov/opub/hom/pdf/homch17.pdf).

(b) Permit application processing fees for projects grandfathered pursuant to Section 373.414, F.S., wetland resource (dredge and fill) are in the following table:

TABLE 40E-1.607(3)(b)
 PERMIT APPLICATION PROCESSING FEES FOR
 PROJECTS GRANDFATHERED PURSUANT TO SECTION
 373.414, F.S.
 WETLAND RESOURCE (DREDGE AND FILL) PERMIT
 APPLICATIONS REVIEWED PURSUANT TO CHAPTERS
 40E-4, 40E-40, AND 40E-400, F.A.C.

Category	Amount
Construction projects up to and including 5 years Standard form projects including dredge and fill activities that affect 10 or more acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ 7,500 <u>4000</u>
Short form construction projects including dredging and filling activities that affect less than 10 acres of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C. (1993).	\$ 750 <u>500</u>
Short form construction projects involving the construction of new docking or boardwalk facilities, pursuant to subsection 62-312.070(2), F.A.C. (1993), that provide:	
0-2 new boat slips	\$ 300
3-9 new boat slips	\$ 500
Dredge and fill construction permits in excess of 5 years Short form permits from 6 years up to and including 10 years	\$ 3000
Standard form permit application processing fee for a construction period of 6 years shall be \$6000 and shall increase by \$1000 for each year beyond 6 years, up through and including 25 years and a corresponding fee of \$25,000	
Variance associated with a wetland resource permit application From the prohibition of subsection 62-312.080(7), F.A.C.	\$ 132 <u>100</u>
From other permitting standards, permit conditions, or water quality standards	\$ 661 <u>500</u>
General Permits	\$ 132 <u>100</u>
Minor modifications of permits that do not require substantial technical evaluation by the District, in conformance with subsections 62-4.050(6) and (7), F.A.C. (1993), do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:	
Transfer of permits or time extensions	\$ 66 <u>50</u>
Minor technical changes	
Existing permit fee is less than \$300, except for modification to permits issued pursuant to Section 403.816, F.S.	\$ 66 <u>50</u>
Existing permit fee is equal to or more than \$300	\$ 330 <u>250</u>

1. through 3. No change.

(4) No change.

(5) Petition for Formal Determination of Wetlands and Other Surface Waters processing fees are in the following table:

TABLE 40E-1.607(5)

DETERMINATION PETITION PROCESSING FEES FOR FORMAL DETERMINATION OF WETLANDS AND OTHER SURFACE WATERS

For the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed in Table subsection 40E-1.607(5), F.A.C.

Category	Amount
Property less than or equal to 640 acres	\$3,500 875
Property greater than 640	\$5,000 875
Property less than or equal to 1 acre	\$250
Property greater than 1 acre but less than or equal to 10 acres	\$550
Property greater than 10 acres but less than or equal to 40 acres	\$750
Property greater than 40 acres but less than or equal to 120 acres	\$1500
Property greater than 120 acres	\$1500
Each additional 100 acres or portion thereof	\$200
Renewal	\$250

(6) through (7) No change.

Specific Authority 373.044, 373.109, 373.113, 373.421(2), 373.421(6)(b), FS. Law Implemented 218.075, 373.109, 373.421(2), 373.421(6)(b), 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-00, 6-26-02, 7-11-02, 8-10-03, 8-14-03, 11-18-07, _____.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.002
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.011-427.017 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.005
 RULE TITLE: Member Department Responsibilities

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Member Department Responsibilities.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0135 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NO.: 41-2.007
 RULE TITLE: Reporting Requirements

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Reporting Requirements.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.012(8), 427.013(3), (7), (8), (9), (12), (13), (16), 427.0135(1), 427.015(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.011
 RULE TITLE: Community Transportation
 Coordinator Powers and Duties

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Community Transportation Coordinator Powers and Duties.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0155 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.015
 RULE TITLE: Expenditure of Local Government,
 State, and Federal Funds for the
 Transportation Disadvantaged

PURPOSE AND EFFECT: The amendments made to the rule brings the rule into compliance with the new legislative changes.

SUBJECT AREA TO BE ADDRESSED: Expenditure of Local Government, State, and Federal Funds for the Transportation Disadvantaged.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013(16), 427.016 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE NO.: 41-2.0162
 RULE TITLE: Chronological Listing of Report
 Dates

PURPOSE AND EFFECT: The proposed rule change is to reflect the deletion of the definition of “annual budget estimate” from Section 427.011(12), F.S.

SUBJECT AREA TO BE ADDRESSED: Chronological Listing of Report Dates.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.013 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: Bobby Jernigan, Interim Executive Director, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0405

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.251
 RULE TITLE: Florida Medicaid Prescribed Drugs
 Reimbursement Methodology

PURPOSE AND EFFECT: The purpose of this rule is to update the reimbursement methodology for prescribed drug claims in the Medicaid program.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Prescribed Drugs Reimbursement Methodology.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(20), 409.908,
 409.912(39)(a) FS.

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

DATE AND TIME: Friday, March 13, 2008, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Donnelly, Bureau of Medicaid Prescribed Drug Services, 2727 Mahan Drive, Mail Stop 38, Tallahassee, Florida 32308-5407; (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.251 Florida Medicaid Prescribed Drugs Reimbursement Methodology.

(1) Reimbursement for prescribed drug claims is made in accordance with the provisions of Title 42, Code of Federal Regulations Sections 447.512-516. Reimbursement for covered drugs dispensed by a licensed pharmacy, approved as a Medicaid provider, or an enrolled dispensing physician filling his own prescriptions, shall not exceed the lower of:

(a) The estimated acquisition cost, defined as the lower of:

1. Average Wholesale Price (AWP) minus 16.4%, or Wholesaler Acquisition Cost (WAC) plus 4.75%, plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~;

2. The Federal Upper Limit (FUL) established by the Centers for Medicare and Medicaid Services, plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~; or

(b) The State Maximum Allowable Cost (SMAC), plus a dispensing fee of ~~\$3.73~~ ~~\$4.23~~; or

(c) The provider's Usual and Customary (U&C) charge, inclusive of dispensing fee.

(2) For drugs purchased by qualified entities under Section 340B of the Public Health Service Act: Covered entities and Federally Qualified Health Centers or their contracted agents that fill Medicaid patient prescriptions with drugs purchased at prices authorized under Section 340B of the Public Health Service Act must bill Medicaid for reimbursement at the actual acquisition cost plus a dispensing fee of \$7.50 for these drugs.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912(39)(a) FS. History--New 1-28-09, Amended

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NO.: 60A-1.044
 RULE TITLE: State Term Contracts; Usage and Exclusivity; Exceptions

PURPOSE AND EFFECT: To amend Rule 60A-1.044, Florida Administrative Code, to remove exceptions to mandatory use of state term contracts by state agencies.

SUBJECT AREA TO BE ADDRESSED: Repeal subsections (2) and (3) and amend subsection (5) of the current rule.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.056(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kelley Scott, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-3049, Kelley.Scott@dms.myflorida.com

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

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.001
 RULE TITLE: Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of material allowed in testing facility.

SUBJECT AREA TO BE ADDRESSED: Written Examination Designated; General Requirements.

SPECIFIC AUTHORITY: 455.217(1), 472.008 FS.

LAW IMPLEMENTED: 455.217(1), 472.013, 472.015 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-210.200
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule development involves amendments to rule language in Chapter 62-210, F.A.C., to update the department's air construction permitting rules in response to the Environmental Protection Agency's (EPA) conditional approval of Florida's new source review State Implementation Plan under the Clean Air Act.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the department's Stationary Source General requirements.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m.
 PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., 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: Ms. Lynn Searce at (850)921-9551 or lynn.searce@dep.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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)

PURPOSE AND EFFECT: The proposed rule development involves amendments to rule language in Chapter 62-212, F.A.C., to update the department’s air construction permitting rules in response to the Environmental Protection Agency’s (EPA) conditional approval of Florida’s new source review State Implementation Plan under the Clean Air Act.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the department’s Stationary Source Preconstruction Review requirements.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

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

DATE AND TIME: Friday, February 27, 2009, 9:00 a.m.
 PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., 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: Ms. Lynn Searce at (850)921-9551 or lynn.searce@dep.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: Ms. Terri Long at (850)921-9536 or terri.long@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-731.020	Definitions
62-731.030	Small Quantity Generator Assessment, Notification and Verification Program
62-731.040	County Information Sent to the Department
62-731.050	Grants; General Specifications
62-731.060	Small Quantity Generator Assessment, Notification and Verification Program Grant Eligibility and Standards
62-731.062	Expanded Local Hazardous Waste Management Program Grant Eligibility and Standards
62-731.064	Award of Grant Funds

PURPOSE AND EFFECT: The purpose of this rulemaking is to update the guidance document, clarify procedures, and eliminate outdated references.

SUBJECT AREA TO BE ADDRESSED: The “Guidelines to Conduct the County Small Quantity Generator Assessment, Notification and Verification Program” will be revised.

SPECIFIC AUTHORITY: 403.061, 403.721 FS.

LAW IMPLEMENTED: 403.704, 403.7225, 403.7226, 403.7234, 403.7236, 403.7238, 403.7265, 403.74 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: Julie Rainey, Environmental Manager, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8713, julie.c.rainey@dep.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.:	RULE TITLE:
62B-26.001	Description of the Walton County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.001, F.A.C., reestablishing the Walton County Coastal Construction Control Line to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and the preservation of public beach access.

SUBJECT AREA TO BE ADDRESSED: The legal description of the location of the Coastal Construction Control Line (CCCL), in Walton County. Aerial maps depicting the proposed and current Coastal Construction Control Line, will be on display during regular office hours until the time of the workshop at the South Walton County Annex, Division of Planning and Development, 31 Coastal Centre Blvd., Santa Rosa Beach.

SPECIFIC AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

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

DATE AND TIME: March 3, 2009, 6:00 p.m. – 8:00 p.m.

PLACE: South Walton Annex Board Room, 31 Coastal Centre Blvd., Santa Rosa Beach, 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: Rosaline Beckham, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@dep.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). 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: Rosaline Beckham as referenced above

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.:

64B4-3.001

64B4-3.0015

64B4-3.007

64B4-3.0085

64B4-3.009

64B4-3.010

RULE TITLES:

Application for Licensure as a Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor

Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants

Provisional Licensure

Intern Registration

Limited Licenses

Marriage and Family Therapy Dual Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendments and rule promulgations in order to incorporate application forms into the rules and to provide the rule references for the application and licensure fees.

SUBJECT AREA TO BE ADDRESSED: Application forms and fees.

SPECIFIC AUTHORITY: 456.015, 490.004(5) FS.

LAW IMPLEMENTED: 456.015, 491.005(1)(c), (3)(c), (4)(c), 491.006, 491.0046, 491.0057 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-3.001 Application for Licensure as a Clinical Social Worker, Marriage and Family Therapist or Mental Health Counselor ~~Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.~~

(+) Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on

Form DH-MQA 1174, Application for Licensure (revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491 verify the required supervised experience with a form entitled Application for Licensure supplied by the Department and completed and signed by the applicant's supervisor. The application shall be accompanied with the application fee and the initial licensure fee.

(1) An application for licensure by examination shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

(2) An application for licensure by endorsement shall be accompanied with the application fee specified in Rule 64B4-4.003, F.A.C., and the initial active status license fee specified in Rule 64B4-4.002, F.A.C. Applicants for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling who cannot provide verification by the methods above will be reviewed on an individual basis as to the sufficiency of alternative verification.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(e), (3)(e), (4)(e), 491.006 FS. History--New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended _____.

64B4-3.0015 Verification of Supervised Experience for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

(1) Every applicant for licensure by examination as a clinical social worker, marriage and family therapist or mental health counselor shall verify the required supervised experience on Form DH-MQA 1181, Supervised Experience Attestation Form (Revised 1/09), which is hereby adopted and incorporated by reference and is available from the Board's website at www.doh.state.fl.us/mqa/491. This form is to be completed and signed by the applicant's supervisor.

(2) Applicants for licensure in Clinical Social Work, Marriage and Family Therapy or Mental Health Counseling who cannot provide verification by the methods above will be reviewed on an individual basis as to the sufficiency of alternative verification.

Specific Authority 491.004(5) FS. Law Implemented 491.005(1)(c), (3)(c), (4)(c) FS. History--New _____.

64B4-3.007 Provisional Licensure.

(1) An applicant for licensure by examination or endorsement who intends to practice in Florida while satisfying coursework or examination requirements for licensure must be provisionally licensed in the profession for which he or she is seeking licensure prior to beginning practice.

(2) An applicant seeking a provisional license must submit a completed application to the Board on Form DH-MQA 1176, Provisional License Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained

from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.014, F.A.C., which is non-refundable.

(3) A provisional license shall be valid for a twenty-four (24) month period after the license is issued and may not be renewed or reissued.

Specific Authority 491.004(5) FS. Law Implemented 491.0046 FS. History--New _____.

64B4-3.0085 Intern Registration.

An individual who intends to practice in Florida to satisfy the post-master's experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

Specific Authority 491.004(5) FS. Law Implemented 491.0045 FS. History--New _____.

64B4-3.009 Limited Licenses.

(1) No change.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 1/09, hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of \$25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

Specific Authority 456.015 FS. Law Implemented 456.015 FS. History--New 11-13-96, Formerly 59P-3.009, Amended _____.

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., or clinical social worker or mental health counselor licensed under this chapter desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 1/09), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Specific Authority 491.004(5) FS. Law Implemented 491.0057 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.010
RULE TITLE: Limited License

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the application form for a limited license.

SUBJECT AREA TO BE ADDRESSED: Limited License.

SPECIFIC AUTHORITY: 456.015(1), (4), 490.004(4) FS.

LAW IMPLEMENTED: 456.015, 490.009(1)(p) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.010 Limited License.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) through (b) No change.

(c) Complete and submit to the Board form DH-MQA 1188, 1/09, DOH/MQA/PY-LL-APP/rev. 08/01, "Application for Psychologist Limited Licensure, effective 1-23-09, 3-24-02, which is hereby incorporated by reference, copies of which may be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

Specific Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015, 490.009(1)(p) FS. History--New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02,_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.011
RULE TITLE: Provisional License; Supervision of Provisional Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the application form for a provisional license.

SUBJECT AREA TO BE ADDRESSED: Provisional License; Supervision of Provisional Licensees.

SPECIFIC AUTHORITY: 456.013, 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 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 IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DH-MQA 1189, 1/09, DOH/MQA/PY-PROVISIONAL-App/rev 10/01, "Application for Provisional Psychology Licensure," which is hereby incorporated by reference, effective 1-23-09 3-24-02, copies of which may be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

(2) through (6) No change.

Specific Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History--New 1-27-98, Amended 3-24-02, 9-8-03,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-12.001
RULE TITLE: Installation of Monuments

PURPOSE AND EFFECT: To add language which requires cemeteries to provide access to monument builders during normal business hours; to not unreasonably restrict monument builders; to change the requirements for notifying the monument establishment that the application is noncompliant; to change the notice requirement for improperly installed monuments from 3 to 5 days; and to require monument builders to pay for damages to cemeteries.

SUBJECT AREA TO BE ADDRESSED: Procedure for Licensing a Monument Establishment.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.267, 497.273, 497.278, 497.558 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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

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

FINANCIAL SERVICES COMMISSION

OIR – Administration

RULE NO.: 69N-121.066 RULE TITLE: Informal Conferences

PURPOSE AND EFFECT: Section 624.319, F.S., provides that the Office is to make a full and true written report of each examination it performs on an insurer. The section further states that the Office is to provide a draft of the report to the insurer for its review prior to the report being finalized. If the insurer disagrees with findings in the draft report it has the right to a hearing, at which hearing the insurer can express its concerns. After the hearing the Office is to publish the final report after making any modifications to the draft that the Office deems proper.

SUBJECT AREA TO BE ADDRESSED: This rule sets out the particulars of the hearing that will take place if one is requested by an examined insurer. The amendment clarifies that if the Office takes action against the insurer based upon the findings in the final report, the insurer has the right to petition for a formal hearing in front of the Division of Administrative Hearings.

SPECIFIC AUTHORITY: 120.05(5), 120.53, 624.308 FS.
LAW IMPLEMENTED: 120.53, 120.54, 120.56, 120.57, 120.58, 624.307(1), 624.319, 624.324 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: February 26, 2009, 9:30 a.m.
PLACE: 116 Larson Building, 200 East Gaines 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 5 days before the workshop/meeting by contacting: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@flor.com. 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: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail Bob.Prentiss@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69N-121.066 Informal Conferences.

(1) through (2)(d) No change.

(e) If based upon the findings set out in the report the Office takes action against the insurer which affects its substantial interest, the insurer shall have the right to request a hearing pursuant to Section 120.569, F.S. to address the action taken by the Office based upon those findings. If disputed points are not settled in the conference, and the Office notifies the company that it intends to file the report and make it a public document as presented in the draft form, the insurer may request a formal hearing to resolve the disputed issues, as provided for under Chapter 120, F.S., and in accordance with the Notice of Rights which are a part of the Office's notification.

Specific Authority ~~120.05(5), 120.53,~~ 624.308 FS. Law Implemented 120.53, 120.54, 120.56, 120.57, ~~120.58,~~ 624.307(1), 624.319, 624.324 FS. History–New 1-1-75, Formerly 4-38.37, Amended 2-5-87, Formerly 4-38.037, Amended 12-19-94, Formerly 4-121.066, Amended.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.046 RULE TITLE: Initiative Process for Method of Selection for Circuit or County Court Judges

PURPOSE AND EFFECT: The purpose of this rule is to implement the style and requirements for initiative petition forms used to change the method of selection for circuit and county court judges. The rule further provides the procedures for obtaining approval of the initiative petition forms and the requirements for signature verification of the forms. The effect of the rule is to implement the constitutional and statutory provisions that provide a mechanism for Florida voters to change the method of selection for circuit or county court judges.