

and for consistency with federal requirements, they also update references to particulate matter in the preconstruction review program from PM₁₀ to PM_{2.5}.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the preconstruction review programs for attainment areas (prevention of significant deterioration) and for nonattainment areas.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 1:30 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/422575762>.

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: Mr. Greg DeAngelo at (850)921-9548 or gregory.deangelo@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-213.202	Responsible Official
62-213.300	Title V Air General Permits
62-213.400	Permits and Permit Revisions Required
62-213.900	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule development (OGC No. 09-3738) involves amendments to Chapter 62-213, F.A.C., to transfer general permits for six source categories from the department's Title V air general permit program into the department's non-Title V air general permit program in Chapter 62-210, F.A.C. The proposed amendments also clarify when Title V permit revisions are required.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the department's EPA-approved Title V air permit program.

RULEMAKING AUTHORITY: 403.061, 403.0872, 403.814 FS.

LAW IMPLEMENTED: 403.087, 403.0872, 403.814 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 9:30 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/472089378>

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.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: 5I-4.002
RULE TITLE: Purpose and Definitions

PURPOSE AND EFFECT: Adoption of revised list of user fees for Division of Forestry managed lands.

SUMMARY: This rulemaking adopts the revised list user fees for Division of Forestry managed lands.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 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: Steve Bohl, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-9914

THE FULL TEXT OF THE PROPOSED RULE IS:

5I-4.002 Purpose and Definitions.

(1) through (26) No change.

(27) SCHEDULE OF FEES: The Division is authorized under Section 589.011(3), F.S., to set and charge fees for the use or operation of facilities on state forest or any lands leased to the Division for management purposes. A list of the current fees can be found in the document entitled "User Fees on Florida Division of Forestry Managed Lands, September 2010 July 2008" which is hereby adopted and incorporated by reference. This fee schedule can be obtained by contacting any State Forest office, the Florida Division of Forestry, Bureau of Forest Management, 3125 Conner Blvd., Tallahassee, FL 32399-1650, or by visiting http://www.fl-dof.com/forest_recreation/fees.html.

(28) through (30) No change.

Rulemaking Authority 570.07(23), 589.011(4), 589.071, 589.12 FS. Law Implemented 589.011(3), 589.071 FS. History--New 5-24-92, Amended 1-19-95, 11-6-95, 5-31-04, 3-2-09_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James R. Karels, Director, Division of Forestry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

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."

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority

RULE NOS.:	RULE TITLES:
49D-1.001	Agency Description
49D-1.002	Address, Office Hours and Copies of Documents
49D-1.003	Boundaries
49D-1.004	Statutes and Rules Affecting Agency Operations

49D-1.005	Delegation of Authority by the Board of Directors
49D-1.006	General Description of Agency Operations
49D-1.007	Designation of Agency Clerk and Official Reporter
49D-1.008	Voting
49D-1.009	Adoption of Model Rules of Procedure

PURPOSE AND EFFECT: To repeal the Rules 49D-1.001 through 49D-1.009, Florida Administrative Code, as the provisions of the rule are obsolete and no longer in accordance with applicable statutory authority.

SUMMARY: The Board of Directors proposes to repeal the Peace River Manasota Regional Water Supply Authority's rules regarding its administration due to them becoming obsolete and unnecessary as a result of statutory revisions to Section 120.53 F.S., which eliminated the requirement that these items be adopted into rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 163.01(5)(h) FS.; Second Amended Interlocal Agr. (10/5/05).

LAW IMPLEMENTED: 120.53 FS.

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

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: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patrick Lehman, Executive Director, Peace River Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202

THE FULL TEXT OF THE PROPOSED RULES IS:

49D-1.001 Agency Description.

Rulemaking ~~Specific~~ Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History--New 10-31-91, Formerly 16U-1.001, Repealed_____.

49D-1.002 Address, Office Hours and Copies of Documents.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.002, Repealed.

49D-1.003 Boundaries.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.003, Repealed.

49D-1.004 Statutes and Rules Affecting Agency Operations.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.004, Repealed.

49D-1.005 Delegation of Authority by the Board of Directors.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.005, Repealed.

49D-1.006 General Description of Agency Operations.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.006, Repealed.

49D-1.007 Designation of Agency Clerk and Official Reporter.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.007, Repealed.

49D-1.008 Voting.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.008, Repealed.

49D-1.009 Adoption of Model Rules of Procedure.

Rulemaking Specific Authority 163.01, 373.1962 FS., as subsequently reenacted in 373.713 FS. Law Implemented 120.53 FS. History–New 10-31-91, Formerly 16U-1.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patrick Lehman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Patrick Lehman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the current rules to incorporate updated forms by reference in order to reduce administrative burdens on early learning coalitions and Voluntary Prekindergarten Education (VPK) Program providers.

SUMMARY: The proposed amendments incorporate by reference the revised Form AWI-VPK 20 (Statewide Provider Agreement), form AWI-VPK 10 (Statewide Provider Registration Application), and form AWI-VPK 11 (Class Registration Application). The proposed amendments also incorporate recommendations made by the Florida Auditor General. These amendments include revisions made for the purpose of reducing paperwork, clarifying program requirements, and ensuring providers receive notification of eligibility to offer the VPK program prior to providing any VPK instruction.

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.

RULEMAKING AUTHORITY: 1002.79(2) FS.

LAW IMPLEMENTED: 1002.55(3), (4), 1002.61(4), (8)(a), 1002.63(3)-(6), (9)(a), 1002.75 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 RULES IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination.

(1) Statewide Provider Registration Application; Supporting Documents.

(a) A VPK provider registering for the VPK Program on or after January 1, 2011, must annually complete and sign Form AWI-VPK 10 (Statewide Provider Registration

Application), dated ~~April 30, 2010~~ ~~February 14, 2007~~, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 10, including supporting documents, to the early learning coalition in the county of the VPK provider's site. If a VPK provider has more than one VPK site, the provider must submit a separate Form AWI-VPK 10 for each site.

~~(c) Once a VPK provider is determined eligible for the VPK program, the provider is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the submitted information on the prior year's application changes. If submitted information changes, a the VPK provider must submit written notice of the changes an updated Form AWI-VPK 10 to the early learning coalition within 14 calendar days after the submitted information changes.~~

(2) Class registration application; supporting documentation.

(a) A VPK private provider or public school must annually complete and sign Parts A and B of Form AWI-VPK 11 (Class Registration Application), dated ~~April 30, 2010~~ ~~February 14, 2007~~, which is hereby incorporated by reference, with instructions, and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider must submit a complete and signed Form AWI-VPK 11, Parts A and B, including supporting documents, to the coalition. ~~If a VPK provider has more than one VPK class, the provider must submit a separate Form AWI-VPK 11 with supporting documents for each class.~~

(c) If submitted information changes, a VPK provider must submit written notice of the changes an updated class application to the early learning coalition within 14 calendar days after the changes. The written notice of changes must include, at a minimum:

1. The VPK provider's name,
2. The VPK provider's physical address,
3. The date of the change,
4. From what and to what the information is changing, and
5. A verbatim copy of the following certification signed by an authorized representative of the VPK provider: "I have examined this application and, to the best of my knowledge and belief, the information provided is true and correct. If any of this information changes, I understand that the provider must submit updated information to the coalition, in writing, within 14 days of the change. I also understand that the provider is encouraged to submit updated information before a change is implemented as the provider may be out of compliance with the requirements of the VPK program if the changes are implemented before the coalition approves of the changes."

(3) Eligibility determination. A coalition shall determine the eligibility of a private provider or public school registering for the VPK program in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., based on the submitted documents. A VPK provider shall not deliver VPK instruction until the private provider receives official notification of its eligibility.

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (4), (8)(a), 1002.63(3), (4), (5), (6), (8)(a), 1002.75(2)(c), (d) FS. History—New 1-19-06, Amended 5-24-07, _____.

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1) An early learning coalition may not pay a VPK provider which registers to offer for the VPK program on or after January 1, 2011, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, ~~even if a qualified contractor signs on behalf of the coalition~~. A school district may sign a single provider agreement on behalf of all a public school VPK providers in the district. The owner or manager of multiple private VPK providers may sign a single provider agreement on behalf of all of his or her private VPK providers. A VPK provider may not offer VPK services or instruction until the VPK provider receives notice of its eligibility to offer the VPK program. The coalition shall notify a VPK provider of its eligibility to offer the VPK program by sending a copy of a provider agreement which has been signed by the VPK provider and its early learning coalition.

(2) A coalition shall keep a fully executed copy of a provider agreement in the coalition's records on the VPK provider.

(3) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated ~~April 30, 2010~~ ~~February 14, 2007~~, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. A provider agreement may not omit, supplement, include attachments, addenda or exhibits, or amend the terms and conditions of Form AWI-VPK 20, unless:

(a) The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing; and

(b) The Deputy Director for Early Learning approves the agreement before a coalition and a VPK provider execute the agreement.

(4) Early learning coalitions may not execute a provider agreement with a VPK provider before the VPK provider has registered on forms prescribed by the Agency for Workforce Innovation and the coalition has determined the VPK provider's eligibility to offer VPK services in accordance with Rule 60BB-8.300, F.A.C.

Rulemaking Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(h), 1002.61(8)(a), 1002.63(8)(a), 1002.75 FS. History—New 8-17-06, Amended 5-24-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kristin R. Harden

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-32.003
RULE TITLE: Issuance of Citations for Unlicensed Practice of a Profession

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to clarify the guidelines and conditions that must be met before a citation can be issued for engaging in unlicensed practice of a profession.

SUMMARY: The subject area to be addressed in this rule is the guidelines to be followed and the conditions that are to be met before a citation can be issued for engaging in the unlicensed practice of a profession.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency determined that this rule will not have an impact on small business. A statement of estimated regulatory costs was not 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.

RULEMAKING AUTHORITY: 455.228 FS.

LAW IMPLEMENTED: 455.228 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: Michael Green, Unlicensed Activity Administrator, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212, (850)487-9518

THE FULL TEXT OF THE PROPOSED RULE IS:

61-32.003 Issuance of Guidelines for Issuing Citations for Unlicensed Practice of a Profession.

(1) Notwithstanding citation rules adopted under applicable practice acts pursuant to Section 455.224, Florida Statutes or F.S., citations imposing a designated fine may be

issued to persons or businesses not licensed ~~unlicensed~~ by the Department for the violations listed below, under the following conditions:

(a) The subject has received a previous Notice to Cease and Desist for the unlicensed practice of the same profession;

~~(b)(a) The subject has not received a~~ There has been no prior citation, or final order for the unlicensed practice of the same profession, ~~or Notice and Order to Cease and Desist issued to the subject;~~

~~(c)(b) There is no evidence of consumer harm in the current case; and~~

~~(d)(e) The subject has not previously held a license to practice the~~ same profession ~~activity at issue.~~

(2) The Department may issue citations in lieu of administrative complaints for the unlicensed practice of a profession, ~~following activities,~~ and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice a profession, provide a service, or engage in an activity that requires licensure by the ~~D~~department. CITATION PENALTY: A fine of \$1,000, and costs of the investigation.

(b) Contracting to perform or performing a service, or offering a bid to engage or engaging in a practice, that requires licensure by the ~~D~~department. CITATION PENALTY: A fine of \$2,500, and costs of the investigation.

~~(3) All citations issued under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by Section 455.228(1), F.S.~~

~~(3)(4) Citations for the unlicensed practice of a profession shall be either personally hand- served or served by certified mail, restricted delivery, and shall include the following information if available:~~

(a) Subject's full name, age and date of birth.

(b) Subject's driver's license number, or any other identifying information.

(c) Subject's last known ~~current residence~~ address.

(d) A brief factual statement of the activity engaged in, the sections ~~provision~~ of law allegedly violated requiring ~~licensure,~~ and the penalty imposed.

(e) A statement that, in lieu of accepting and paying the citation, the subject may choose to proceed in accordance with ~~the administrative procedures in~~ Section 455.225, F.S.

(4) If the subject does not dispute the citation within 30 days after the citation is served, the citation will become a Final Order of the Department.

(5) Payment of an undisputed citation is due within 30 days after the citation has become a final order.

(6) Citations which have become final orders pursuant to Section 445.228, F.S., will be used in any subsequent proceedings as evidence of a prior violation of that statute or rule.

(7) Citations which have become final orders pursuant to Section 445.228, F.S., shall be forwarded to the proper prosecuting authority in accordance with Section 455.2277, F.S.

Rulemaking Specific Authority 455.228(3)(a) FS. Law Implemented ~~455.224~~, 455.228 FS. History--New 8-15-05, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Wilson, Division Director, Division of Regulation, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2212

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charlie Liem, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.0015 RULE TITLE: Application for Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the requirements for application for licensure by endorsement.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the requirements for application for licensure by endorsement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Carrie Flynn, Executive Director, Board of Professional Engineers/MQA, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0015 Application for Licensure by Endorsement.

(1) through (2) No change.

(3) An applicant for licensure by endorsement who has taken and failed either the fundamentals or the principles and practice examinations ~~more than five (5) times after October 1, 1992, and/or more than three (3) times or more before passing after July 1, 2004~~, must document compliance with Rule 61G15-21.007, F.A.C., as a condition of eligibility for licensure by endorsement.

(4) through (6) No change.

Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History--New 9-27-01, Amended 4-9-07, 10-15-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007 RULE TITLE: Demonstration of Substantial Equivalency

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to set forth requirements for recognition of College Level Examination Programs (CLEP) credits and to incorporate by reference the website where the CLEP credit granting recommendations can be located.

SUMMARY: The rule amendment will add new language to set forth requirements for recognition of College Level Examination Programs (CLEP) credits and to incorporate by reference the website where the CLEP credit granting recommendations can be located.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5268

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Demonstration of Substantial Equivalency.
(1) through (4) No change.

(5) College Level Examination Programs (CLEP) examinations recognized in the 2008-2009 CLEP Credit granting Recommendations outlined at www.collegeboard.com/CLEP incorporated here by reference, may be recognized as satisfying education deficiencies related to humanities and social sciences pursuant to subsection (1) above, provided the results are submitted to an EAC/ABET accredited program of a college or university and appearing on a transcript showing the converted hours.

Rulemaking Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06, 1-29-07, 4-9-07, 1-31-08, 10-15-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2010

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.:	RULE TITLE:
62-302.540	Water Quality Standards for Phosphorus Within the Everglades Protection Area

PURPOSE AND EFFECT: Rule 62-302.540, F.A.C., was established effective July 15, 2004, to provide a numeric phosphorus criterion for the Everglades Protection Area. On July 29, 2008, a Federal Court ruled that portions of Rule 62-302.540, F.A.C., were inconsistent with the Federal Clean Water Act. Upon re-review, the U.S. Environmental Protection Agency (USEPA) disapproved those portions of Rule 62-302.540, F.A.C.

SUMMARY: The Department is amending Rule 62-302.540, F.A.C., to revise the Everglades phosphorus rule to ensure consistency with Federal Clean Water Act requirements. A number of provisions in Rule 62-302.540, F.A.C., are deleted that were disapproved by USEPA. There are no substantive additions to the existing rule text.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared because the rule amendments will not impact small business.

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.

RULEMAKING AUTHORITY: 373.043, 373.4592, 403.061 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.4592, 403.021(11), 403.061, 403.201 FS.

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

DATE AND TIME: Thursday, October 21, 2010, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida 32399-2400

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: Eric Shaw at (850)245-8429 or the below information. 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 IS: Eric Shaw, Department of Environmental Protection, Bureau of Assessment and Restoration Support, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us. Copies of the draft rule as well as further information also may be obtained from the Department's internet site at: <http://www.dep.state.fl.us/water/wqssp/everglades/index.htm>. (OGC No. 10-2103)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-302.540 Water Quality Standards for Phosphorus Within the Everglades Protection Area.

(1) Purpose and Scope. The water quality standards adopted by this rule include all of the following elements:

~~(a) The purpose of this rule is to implement the requirements of the Everglades Forever Act by utilizing the powers and duties granted the Department under the Act and~~

other applicable provisions of Chapter 373 and 403, F.S., to establish water quality standards for phosphorus, including a numeric phosphorus criterion, within the EPA.

~~(b) The water quality standards adopted by this rule include all of the following elements:~~

~~(a)1. No change.~~

~~2. Establishment of moderating provisions for permits authorizing discharges into the EPA in compliance with water quality standards, including the numeric phosphorus criterion; and~~

~~(b)3. No change.~~

~~(2) Findings.~~

~~(a) No change.~~

~~(b) Best Management Practices (BMPs) have reduced phosphorus loads from the Everglades Agricultural Area to the EPA by more than twice the amount required by existing rules. Stormwater Treatment Areas (STAs) have reduced phosphorus concentrations to less than the goal of 50 ppb established in the Everglades Forever Act.~~

~~(c) While a significant percentage of the EPA currently meets the numeric phosphorus criterion, further efforts are required to achieve the criterion in the remaining impacted areas of the EPA.~~

~~(d) Even as water quality continues to improve, restoration will be a long term process because of historic phosphorus accumulations found in sediments within impacted areas. This phosphorus can diffuse back into the water column, a phenomenon the Department recognizes as reflux.~~

~~(e) The Basin-Specific Feasibility Studies completed by the District considered environmental factors, implementation cost, scheduling, and technical factors in evaluating measures to reduce phosphorus levels entering the EPA. These studies and other information provided to the Commission show that:~~

~~1. At this time, chemical treatment technology is not cost effective for treating discharges entering the EPA and poses the potential for adverse environmental effects.~~

~~2. Optimization of the existing STAs, in combination with BMPs, is currently the most cost effective and environmentally preferable means to achieve further phosphorus reductions to the EPA, and to restore impacted areas. The effectiveness of such measures should be determined and maximized prior to requiring additional measures. Optimization shall take into consideration viable vegetative technologies, including Periphyton based STAs that are found to be cost effective and environmentally acceptable.~~

~~(f) The District and the Department recognize that STA and BMP optimization requires a sustained commitment to construct, implement, stabilize and measure phosphorus reduction benefits.~~

~~(b)(g) No change.~~

~~(h) The Long Term Plan constitutes a comprehensive program to optimize the STAs and BMPs to achieve further phosphorus reductions and thereby accomplish implementation of Best Available Phosphorus Reduction Technology (BAPRT).~~

~~(i) through (k) renumbered (c) through (e) No change.~~

~~(l) The Commission finds that this rule must incorporate a flexible approach towards the application of the numeric phosphorus criterion for phosphorus in order to guide the implementation of phosphorus reductions in the Everglades Protection Area. Chapter 403, F.S., the Everglades Forever Act and U.S. Environmental Protection Agency regulations set forth at 40 CFR Part 131 include general policies that authorize such flexibility under appropriate circumstances, including those described in paragraphs (c) through (h) and (k) above. The Commission has exercised this authority by including in this rule both a numeric interpretation of the phosphorus criterion and the various other standard setting provisions of this rule, including the permitting and moderating provisions.~~

~~(3) Definitions.~~

~~(a) "Best Available Phosphorus Reduction Technology" (BAPRT) shall be as defined by Section 373.4592(2)(a), F.S. BMPs shall maintain and, where practicable, improve upon the performance of urban and agricultural source controls in reducing overall phosphorus levels. Agricultural BMPs within the Everglades Agricultural Area and the C-139 Basin shall be in accordance with Chapters 40E-61 and 40E-63, F.A.C. STA phosphorus reductions shall be improved through implementation of optimization measures as defined by Section 373.4592(2)(l), F.S. BAPRT may include measures intended to reduce phosphorus levels in discharges from a single basin or sub-basin, or a program designed to address discharges from multiple basins.~~

~~(b) "Long Term Plan" shall be as defined by Section 373.4592(2)(j), F.S.~~

~~(c) through (e) renumbered (a) through (c) No change.~~

~~(f) "Optimization" shall be as defined by Section 373.4592(2)(l), F.S.~~

~~(d)(g) No change.~~

~~(h) "Technology based effluent limitation" or "TBEL" shall be defined in Section 373.4592(2)(p), F.S.~~

~~(e)(i) No change.~~

~~(4) Phosphorus Criterion.~~

~~(a) through (c) No change.~~

~~(d) Achievement of the Criterion in WCA-1, WCA-2 and WCA-3.~~

~~1. No change.~~

~~2. Achievement of the criterion shall be determined based on data collected monthly from the network of monitoring stations in the impacted area. Impacted Areas of the water body will have achieved the criterion if the five year geometric~~

mean averaged across all stations is less than or equal to 10 ppb. In order to provide protection against imbalances of aquatic flora or fauna, the following provisions must also be met:

a. through b. No change.

c. The annual geometric mean at all individual stations is less than or equal to 15 ppb. Individual station analyses are representative of only that station.

~~If these limits are not met, no action shall be required, provided that the net improvement or hydropattern restoration provisions of subsection (6) below are met.~~ Notwithstanding the definition of Impacted Area in subsection (3), individual stations in the network shall be deemed to be unimpacted for purposes of this rule if the five-year geometric mean is less than or equal to 10 ppb and the annual geometric mean is less than or equal to 15 ppb.

(e) through (f) No change.

(5) Long-Term Compliance Permit Requirements for Phosphorus Discharges into the EPA.

~~(a) In addition to meeting all other applicable permitting criteria, an applicant must provide reasonable assurance that the discharge will comply with state water quality standards as set forth in this section.~~

~~(a)(b) Discharges into the EPA shall be deemed in compliance with state water quality standards upon a demonstration that phosphorus levels in the discharges will be at or below the phosphorus criterion set forth in this rule.:~~

~~1. Phosphorus levels in the discharges will be at or below the phosphorus criterion set forth in this rule; or~~

~~2. Discharges will not cause or contribute to exceedences of the phosphorus criterion in the receiving waters, the determination of which will take into account the phosphorus in the water column that is due to reflux; or~~

~~3. Discharges will comply with moderating provisions as provided in this rule.~~

(b)(e) No change.

~~(d) Discharge limits for permits allowing discharges into the EPA shall be based upon TBELs established through BAPRT and shall not require water quality based effluent limitations through 2016. Such TBELs shall be applied as effluent limitations as defined in subsection 62-302.200(10), F.A.C.~~

~~(6) Moderating Provisions. The following moderating provisions are established for discharges into or within the EPA as a part of state water quality standards applicable to the phosphorus criterion set forth in this rule:~~

~~(a) Net Improvement in Impacted Areas.~~

~~1. Until December 31, 2016, discharges into or within the EPA shall be permitted using net improvement as a moderating provision upon a demonstration by the applicant that:~~

~~a. The permittee will implement, or cause to be implemented, BAPRT, as defined by Section 373.4592(2)(a), F.S., and further provided in this section, which shall include a continued research and monitoring program designed to reduce outflow concentrations of phosphorus; and~~

~~b. The discharge is into or within an impacted area.~~

~~2. BAPRT shall use an adaptive management approach based on the best available information and data to develop and implement incremental phosphorus reduction measures with the goal of achieving the phosphorus criterion. BAPRT shall also include projects and strategies to accelerate restoration of natural conditions with regard to populations of native flora or fauna.~~

~~3. For purposes of this rule, the Long-Term Plan shall constitute BAPRT. The planning goal of the Long-Term Plan is to achieve compliance with the criterion set forth in subsection (4) of this rule. Implementation of BAPRT will result in net improvement in impacted areas of the EPA. The Initial Phase of the Long-Term Plan shall be implemented through 2016. Revisions to the Long-Term Plan shall be incorporated through an adaptive management approach including a Process Development and Engineering component to identify and implement incremental optimization measures for further phosphorus reductions.~~

~~4. The Department and the District shall propose amendments to the Long-Term Plan as science and environmental conditions warrant. The Department shall approve all amendments to the Long-Term Plan.~~

~~5. As part of the review of permit applications, the Department shall review proposed changes to the Long-Term Plan identified through the Process Development and Engineering component of the Long-Term Plan to evaluate changes necessary to comply with this rule, including the numeric phosphorus criterion. Those changes which the department deems necessary to comply with this rule, including the numeric phosphorus criterion, shall be included as conditions of the respective permit or permits for the structures associated with the particular basin or basins involved. Until December 31, 2016, such permits shall include technology-based effluent limitations consistent with the Long-Term Plan.~~

~~(b) Hydropattern Restoration. Discharges into or within unimpacted areas of the EPA shall be permitted for hydropattern restoration purposes upon a demonstration by the applicant that:~~

~~1. The discharge will be able to achieve compliance with the requirements of sub-subparagraph (6)(a)1.a. above;~~

~~2. The environmental benefits of establishing the discharge clearly outweigh the potential adverse impacts that may result in the event that phosphorus levels in the discharge exceed the criterion; and~~

~~3. The discharge complies with antidegradation requirements.~~

~~(e) Existing Moderating Provisions. Nothing in this rule shall eliminate the availability of moderating provisions that may otherwise exist as a matter of law, rule or regulation.~~

(7) through (8) renumbered (6) through (7) No change.

~~Rulemaking Specific Authority 373.043, 373.4592, 403.061 FS. Law Implemented 373.016, 373.026, 373.4592, 403.021(11), 403.061, 403.201 FS. History--New 7-15-04, Amended 5-25-05,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Brooks

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The Board is correcting the concentration percentage of Bromfenac and the spelling of Nepafenac.

SUMMARY: This rule corrects the concentration percentage of Bromfenac and the spelling of Nepafenac.

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.

RULEMAKING AUTHORITY: 463.005, 463.0055(2)(a) FS.
LAW IMPLEMENTED: 463.0055 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: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the

following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (5)(1) No change.
- (m) Bromfenac – ~~.090~~ .090%;
- (n) ~~Nepafenac~~ ~~Nopafenac~~ – 0.1%;
- (o) through (9)(e) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2010

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.351
RULE TITLE: Standards for Approval of Registered Pharmacy Technician Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the standards for approval of registered pharmacy technician training programs.

SUMMARY: Standards for approval of registered pharmacy technician training programs will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 465.014 FS.
LAW IMPLEMENTED: 465.014 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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.351 Standards for Approval of Registered Pharmacy Technician Training Programs.

(1) The following programs are approved Registered Pharmacy Technician Training programs:

(a) Pharmacy technician training programs accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the American Society of Health-System Pharmacists,

(b) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the Southern Association of Colleges and Schools,

(c) Pharmacy technician training programs ~~accredited, approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the ~~Florida Department of Education, or~~ Florida Commission for Independent Education,

(d) Pharmacy technician training programs provided by a branch of the federal armed services for which the applicant possesses a certificate of completion on or the effective date of this rule.

(e) Pharmacy technician training programs at institutions accredited, ~~approved or licensed~~ on or before the effective date of this rule January 1, 2011 by the Council on Occupational Education.

(f) Pharmacy technician training programs approved on or before the effective date of this rule by a body recognized by the United States Department of Education.

(2) All programs not listed in paragraphs (1)(a) through (f) and which are not employer based programs, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; or be accredited or approved by one of the following:

1. The American Society of Health System Pharmacists,
2. The Southern Association of Colleges and Schools,
3. The Florida Commission for Independent Education,
4. A branch of the federal armed services, or
5. The Council on Occupational Education, and

(b) Offer a course of study that includes:

Course of study

1. Introduction to pharmacy and health care systems:

a. Confidentiality,

b. Patient rights and Health Insurance Portability and Accountability Act (HIPAA),

2. Pharmacy law:

a. Federal law,

b. State law,

c. State rules,

d. Pharmacy technician rules and law.

3. Pharmaceutical – medical terminology, abbreviations, and symbols:

a. Medication safety and error prevention,

b. Prescriptions and medication orders,

4. Records management and inventory control:

a. Pharmaceutical supplies,

b. Medication labeling,

c. Medication packaging and storage,

d. Controlled substances,

e. Adjudication and billing.

5. Interpersonal relations, communications, and ethics:

a. Diversity of communications,

b. Empathetic communications,

c. Ethics governing pharmacy practice,

d. Patient and caregiver communication,

6. Pharmaceutical calculations.

(c) Apply directly to the Board of Pharmacy on approved form DH-MQA 1239 “Board of Pharmacy Application for Registered Pharmacy Technician Training Programs,” effective August 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy> and provide the following information:

1. Sample transcript and diploma;

2. Copy of curriculum, catalog or other course descriptions;

3. Faculty credentials; and

4. Proof of licensure, accreditation or approval by one of the entities listed in paragraph (2)(a).

(d) The Board will review the curriculum, catalog or course description to determine that:

1. Learning experiences and teaching methods are appropriate to meet the content stated above.

2. Time allocated for each participant shall be sufficient to meet the objectives of each activity.

3. Principles of adult education are utilized in determining teaching strategies and learning activities.

(e) Faculty Qualifications.

1. The program shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. When the subject matter of an offering includes pharmacy technician practice, a licensed pharmacist or registered pharmacy technician with expertise in the content area must be involved in the planning and instruction.

3. Pharmacy technician faculty supervising learning experiences in a clinical area in this State shall be currently registered.

~~(3)(2)~~ All other training programs must be employer based. Any pharmacy technician training program sponsored by a Florida permitted pharmacy or affiliated group of pharmacies under common ownership, must contain a minimum of 160 hours of training, that extends over a period not to exceed 6 months; is provided solely to employees of said pharmacy or affiliated group; and has been approved by the Board. An application for approval of a Registered Pharmacy Technician Training Program shall be made on Board of Pharmacy approved form DH-MQA 1239 ~~1232~~ "Board of Pharmacy Application for Registered Pharmacy Technician Training Programs ~~Provider Application,~~" effective August February 2010, which is hereby incorporated by reference. To obtain an application, contact the Board of Pharmacy at 4052 Bald Cypress Way, Bin #C04, Tallahassee, FL 32399-3254, or (850)488-0595, or download the application from the board's website at <http://www.doh.state.fl.us/mqa/pharmacy>. ~~The application must be accompanied with a non refundable application fee. The applicant must attach to the application copy of curriculum, catalog or other course description. The curriculum, catalog or course description must demonstrate that the following objectives are must be met:~~

(a) Program content:

1. through 6. No change.

(b) Materials and Methods. The Board will review the curriculum, catalog or course description to determine Evidence satisfactory to the Board shall be presented that:

1. No change.

2. Time allocated for each participant activity shall be sufficient to meet the objectives of each activity ~~for the participant to meet the objectives.~~

3. No change.

(c) Faculty Qualifications.

1. The program faculty shall provide evidence of academic preparation or experience in the subject matter by submitting a job description, resume or curriculum vitae which describes the faculty member's work experience and level of academic preparation.

2. through 4. No change.

(d) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Satisfactory evidence is a sample evaluation to be reviewed by the Board. Self-directed learning experiences, including ~~but not limited to~~ home study, computer programs, internet or web-based courses, are required to evaluate participant knowledge at the completion of the learning experience. The evaluation must include a minimum of 100 questions. The participant must achieve a

minimum score of 70% on the evaluation to receive the certificate of completion. The evaluation must be graded by the provider.

(e) No change.

(f) Required documentation.

1. through 3. No change.

4. Providers shall furnish each participant with an ~~authenticated individual~~ Certificate of Completion.

5. No change.

Rulemaking Authority 465.014 FS. Law Implemented 465.014 FS. History--New 6-23-10, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2010

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.:

RULE TITLE:

64J-2.010

Apportionment of Trauma Centers
Within a Trauma Service Area
(TSA)

PURPOSE AND EFFECT: To revise the number of trauma center slots in Trauma Service Area One and the statewide total number of trauma center slots allocated.

SUMMARY: The proposed rule revises the number of trauma center slots in Trauma Service Area One from two to three, and increases the statewide total number of trauma center slots from 42 to 43.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The revisions to this rule do not require additional regulatory costs; therefore the statement of estimated regulatory costs is not applicable.

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.

RULEMAKING AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.405 FS.

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

DATE AND TIME: Wednesday, October 13, 2010, 10:00 a.m.
Central Time/11:00 a.m. Eastern Time

PLACE: Okaloosa County Health Department, 221 Hospital Drive, N.E., Ft. Walton Beach, FL 32358; ROOM: Auditorium; DIRECTIONS: Please contact the Attendant: call (850)833-9240, press 0 and ask for directions.

The hearing will also be held via conference call for individuals who cannot attend in person. The conference call number is: (888)808-6959 and conference code: 2354440.

If you plan to provide public comment during the hearing via conference call, please obtain a speaker's card from the Office of Trauma Website under the Rule Notice for this hearing at the following link: <http://doh.state.fl.us/demo/Trauma/notices.htm> Please complete the speaker's form and email the completed form to Janet Collins at janet_collins@doh.state.fl.us or fax at (850)488-2512.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64J-2.010 Apportionment of Trauma Centers Within a Trauma Service Area (TSA).

(1) through (2) No change.

(3) The number of trauma center positions for each TSA is as follows:

TS	Counties	Trauma Centers
A		
1	Escambia; Okaloosa; Santa Rosa; Walton	3 2
2	Bay; Gulf; Holmes; Washington	1
3	Calhoun; Franklin; Gadsden; Jackson; Jefferson; Leon; Liberty; Madison; Taylor; Wakulla	1
4	Alachua; Bradford; Columbia; Dixie; Gilchrist; Hamilton; Lafayette; Levy; Putnam; Suwannee; Union	2
5	Baker; Clay; Duval; Nassau; St. Johns	2
6	Citrus; Hernando; Marion	1
7	Flagler; Volusia	2
8	Lake; Orange; Osceola; Seminole; Sumter	3
9	Pasco; Pinellas	3
10	Hillsborough	2
11	Hardee; Highlands; Polk	3
12	Brevard; Indian River	2
13	DeSoto; Manatee; Sarasota	3
14	Martin; Okeechobee; St. Lucie	1
15	Charlotte; Glades; Hendry; Lee	2
16	Palm Beach	2
17	Collier	1
18	Broward	3
19	Dade; Monroe	6
	TOTAL	43 42

(4) No change.

Rulemaking Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.405 FS. History—New 12-10-92, Formerly 10D-66.1075, Amended 6-9-05, 12-18-06, Formerly 64E-2.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan McDevitt, Director, Office of Trauma

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte-Ros, M.D., M.P.H., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205 RULE TITLE: Eligibility Determination Process

PURPOSE AND EFFECT: The proposed rule amendment amends the ACCESS Florida Web Application, CF-ES 2353, and incorporates it by reference.

SUMMARY: The proposed rule amendment amends the ACCESS Florida Web Application, CF-ES 2353.

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.

RULEMAKING AUTHORITY: 409.919, 414.095, 414.45 FS. LAW IMPLEMENTED: 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 12, 2010, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 2, Room 204-V, Tallahassee, Florida 32399-0700

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: Cindy Keil. 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 IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.205 Eligibility Determination Process.

(1) The individual completes a Department application for assistance to the best of the individual's ability using either the ACCESS Florida Application, CF-ES 2337, 05/2010, incorporated by reference, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 09/2010 03/2008, incorporated by reference in Rule 65A-1.400, F.A.C., and submits it. An application must include at least the individual's name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant can withdraw the application at any time without affecting their right to reapply at any time.

(a) through (8) No change.

Rulemaking Authority 409.919, 414.095, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, 414.045, 414.095, 414.31, 414.41 FS. History--New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04, 9-11-08, 7-1-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

September 3, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

August 13, 2010

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:

68B-14.0038

RULE TITLE:

Recreational Snapper Seasons

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to modify the Commission's Reef Fish Rule to become consistent with federal recreational reef fish regulations for red snapper in the Gulf of Mexico. The most recent red snapper stock assessment (2005) indicated that continued overfishing was compromising the objectives of the Gulf of Mexico Fishery Management Council's red snapper rebuilding plan, which was designed to end overfishing of red snapper by 2009 and to rebuild the red snapper stock to sustainable levels by 2032. The Gulf of Mexico Fishery Management Council developed regulatory actions in Amendment 27 to their Reef Fish Fishery Management Plan, and Amendment 14 to their Shrimp Fishery Management Plan to address the continued overfishing and overfished status of the fishery. Amendment 27/14, which was implemented in 2008, addresses recreational and commercial harvest of red snapper, and establishes bag limits, size limits, and seasons in federal waters. However, the success of the red snapper

rebuilding plan depends not only upon controlling harvest in federal waters, but also with the five states in the Gulf of Mexico adopting rules that are consistent with the federal rules in Gulf state waters. Florida plays a particularly important role in the success of the red snapper rebuilding plan because Florida's recreational fishery, occurring in both state and federal waters, accounts for a large proportion of the recreational red snapper catch. The recreational fishery is the primary source of red snapper fishing mortality in the eastern Gulf of Mexico. The regulations in Florida state waters of the Gulf of Mexico are currently consistent with the federal rebuilding plan and the overfishing status of the fishery was lifted in 2009.

However, due to reductions in fishing opportunities because of the Deepwater Horizon Oil Disaster, the National Marine Fisheries Service estimated that 2.3 million pounds of the 3.4 million pound recreational Gulf red snapper quota set for the 2010 season were not harvested. Therefore the Gulf of Mexico Fisheries Management Council requested the National Marine Fisheries Service create a supplemental recreational red snapper season in waters of the Gulf of Mexico from October 1 until November 22, 2010 and allow the harvest and possession of red snapper on Fridays, Saturdays, and Sundays during this season. The effect of this rule amendment is that federal and state regulations will be consistently applied. Where practicable, this minimizes public confusion, aids enforceability, and contributes to the overall red snapper rebuilding effort in the Gulf of Mexico.

SUMMARY: Rule 68B-14.0038, F.A.C., (Recreational Snapper Seasons) would amend the Commission's Reef Fish Rule governing the recreational red snapper fishing season such that it is consistent with the recreational red snapper fishing season in federally managed waters of the Gulf of Mexico as instituted by the National Marine Fisheries Service. The proposed Commission rule would create a supplemental recreational red snapper season from October 1 until November 22, 2010 and allow the harvest and possession of red snapper in state waters of the Gulf of Mexico on Fridays, Saturdays, and Sundays.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE

PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0038 Recreational Snapper Seasons.

(1) Recreational Red Snapper Season. In all state waters of the Gulf of Mexico, the season for the recreational harvest and possession of red snapper shall be from June 1 through July 23, each year (consistent with the Federal Standard established in vol. 75 of the Fed. Reg. page 23186). Except for persons harvesting red snapper for commercial purposes pursuant to Rule 68B-14.0045, F.A.C., from July 24 through May 31, no person shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any red snapper.

(2) No change.

(3) SPECIAL RECREATIONAL RED SNAPPER SEASON FOR 2010. Not withstanding paragraph (1) and due to the Deepwater Horizon Oil Diseaster in all state waters of the Gulf of Mexico there shall be a supplemental recreational red snapper season from October 1 until November 22, 2010. During this supplemental season the harvest and possession of red snapper shall be allowed from 12:01 A.M. each Friday until 12:01 A.M. the following Monday.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 10-20-98, Formerly 46-14.0038, Amended 12-30-99, 3-12-09, 8-7-09, 10-16-09, 6-4-10,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NOS.: RULE TITLES:
68D-18.004 Special Purpose Marker Buoys
68D-18.005 Restricted Areas

PURPOSE AND EFFECT: The rules have been rendered obsolete due to statutory changes due to the passage of Chapter 2009-86 (CS/CS/HB/1423), Laws of Florida, which modified Section 327.46, Florida Statutes, and will alleviate duplicate language currently proposed within Chapter 68D-21, Florida Administrative Code (Approval of Local Ordinances Establishing Boating Restricted Areas) and amendments to Chapter 68D-23, Florida Administrative Code (Uniform Waterway Markers in Florida Waters).

SUMMARY: Rule 68D-18.004, Florida Administrative Code, required that special purpose marker buoys shall be a certain shape and size to mark special marine events and established a requirement to make such a request that is similar as waterway markers permitted pursuant to Chapter 68D-23, Florida Administrative Code. Rule 68D-18.005, Florida Administrative Code, prohibited the placement of regulatory markers in or over the Florida Intracoastal Waterway without a

permit from the Division of Law Enforcement and required such requests to be made by application and accompanying documentation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 327.04, 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41 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 RULES IS: Captain Richard Moore, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, richard.moore@myfwc.com

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-18.004 Special Purpose Marker Buoys.

Rulemaking Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS., ch. 72-55, Laws of Florida. History--New 10-20-72, Readopted 9-30-75, Formerly 16B-18.04, 16N-18.04, 16N-18.004, 62N-18.004, Repealed_____.

68D-18.005 Restricted Areas.

Rulemaking Specific Authority 327.04, 327.40, 341.41 FS. Law Implemented 327.40, 327.41 FS., ch. 72-55, Laws of Florida. History--New 10-20-72, Readopted 9-30-75, Formerly 16B-18.05, 16N-18.05, 16N-18.005, 62N-18.005, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Jim Brown, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2010