

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.036
 RULE TITLE: Arts and Cultural Grants

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines and grant report form for the General Program Support Program and the Specific Cultural Project Program. The guidelines for both programs clarify eligibility criteria, match requirements, application submission criteria, panel review and evaluation criteria, amend materials incorporated by reference, and update the application form.

SUBJECT AREA TO BE ADDRESSED: Guidelines and application forms for the General Program Support Program and the Specific Cultural Project Program. Specific areas include: eligibility criteria, match, application procedures, panel review and evaluation criteria, and updated application and grant report forms.

RULEMAKING AUTHORITY: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 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: Monday, November 28, 2011, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 302A, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250. 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: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

RULE NO.: 5A-17.001
 RULE TITLE: Agricultural Land Acknowledgment

PURPOSE AND EFFECT: The Agricultural Land Acknowledgment Act, Section 163.3163, Florida Statutes, was created by Section 2 of Chapter 2011-007, Laws of Florida, (HB 7103). The Department of Agriculture and Consumer Services, in cooperation with the Department of Revenue, may adopt rules to administer the Act. The Department has received several comments requesting rulemaking to ensure common application of the Act across the state.

SUBJECT AREA TO BE ADDRESSED: Agricultural Land Acknowledgment Act, Section 163.3163, Florida Statutes.

RULEMAKING AUTHORITY: 163.3163(4)(c), 570.07(23) FS.

LAW IMPLEMENTED: 163.3163 FS.

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

DATE AND TIME: December 1, 2011, 1:30 p.m.

PLACE: The Terry L. Rhodes Building, 2005 Apalachee Parkway Ste 225, Tallahassee, FL 32399 and by conference call at Dial-In Number: 1(888)808-6959 with Conference Code: "3457501149".

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: Steven Hall, Attorney, by email at "Steven.Hall@FreshFromFlorida.com" or by phone (850)245-1000. 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: Steven Hall, Attorney, Department of Agriculture and Consumer Services by email at "Steven.Hall@FreshFromFlorida.com" or by phone (850)245-1000

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: 15C-20.001
 RULE TITLE: Derelict Motor Vehicle Electronic Application and Notification

PURPOSE AND EFFECT: To establish electronic notification systems for salvage motor vehicle dealers and secondary metals recyclers on salvage and derelict motor vehicles; establish fees for such system.

SUBJECT AREA TO BE ADDRESSED: Reporting requirements for salvage and derelict motor vehicles and mobile homes relating to the titles of motor vehicles or mobile homes and associated fees.

RULEMAKING AUTHORITY: 319.30(8)(a) FS.

LAW IMPLEMENTED: 319.30(2)(c)2., 319.30(7)(a)4.b, 319.30(8) 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: Thursday, December 15, 2011, 2:00 p.m., EST

PLACE: 2900 Apalachee Parkway, Neil Kirkman Building, Room A427, 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 5 days before the workshop/meeting by contacting: Selma Sauls, Government Operations Consultant I, 2900 Apalachee Parkway, Tallahassee Florida 32399, selmsauls@flhsmv.gov (850)617-3001. 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: Selma Sauls, Government Operations Consultant I, 2900 Apalachee Parkway, Tallahassee Florida 32399, selmsauls@flhsmv.gov (850)617-3001

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.034	Tariffs
25-4.0341	Filing of Service Schedules

PURPOSE AND EFFECT: Rule 25-4.034, F.A.C., would be amended and Rule 25-4.0341, F.A.C., would be added to comply with recent changes to Section 364.04(1), F.S., which permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and which provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules. Rule 25-4.034, F.A.C., would require local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all intrastate rates, terms and conditions for network access services pursuant to Section 364.163, F.S., and would otherwise simplify requirements when schedules or tariffs are published

with the Commission. Rule 25-4.0341, F.A.C., would offer limited guidance to telecommunications companies choosing to file service schedules with the Commission. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127, 364.01 FS.

LAW IMPLEMENTED: 364.01, 364.04, 364.163 FS.

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

DATE AND TIME: Monday, December 5, 2011, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

One or more Commissioners may be in attendance and participate in the workshop. In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary draft of the proposed rule amendment will be available on the Commission's website, www.floridapsc.com, after November 15, 2011

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.083	Preferred Carrier Freeze.
25-4.118	Local, Local Toll, or Toll Provider Selection.

PURPOSE AND EFFECT: Rule 25-4.083, F.A.C., would be repealed and the substance of Rule 25-4.083, F.A.C., would be incorporated into Rule 25-4.118, F.A.C. Rule 25-4.118, F.A.C., would be amended to comply with recent changes to Section 364.16(5), F.S., relating to unauthorized changes of a subscriber's local telecommunications service and preferred carrier freezes and to incorporate the substance of Rule 25-4.083, F.A.C. The amendments to Rule 25-4.118, F.A.C., would be consistent with the Telecommunications Act of 1996, provide for specific verification methods, provide for subscriber notification regarding a preferred carrier freeze at no charge, allow for a subscriber's change to be considered valid if verification is performed consistent with Commission

rules, and provide remedies for violations of the rule and allow for the imposition of other penalties available under Chapter 364, F.S. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127, 364.01, 364.16(5) FS.

LAW IMPLEMENTED: 364.01, 364.16(5), 364.285 FS.

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

DATE AND TIME: Monday, December 5, 2011, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

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PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-6.019	Notification of Accidents
25-6.0345	Safety Standards for Construction of new Transmission and Distribution Facilities
25-6.060	Meter Test – Referee

PURPOSE AND EFFECT: To repeal Rule 25-6.019, F.A.C., to eliminate duplication and conflict with other rules; to amend Rule 25-6.0345, F.A.C., to update property damage reporting requirement; and to change the title of Rule 25-6.060, F.A.C., for accuracy and clarification. Undocketed.

SUBJECT AREA TO BE ADDRESSED: The rule addresses electric utility requirements concerning notification of accidents, safety standards for construction on new transmission and distribution facilities, and meter tests.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(f), (6), 366.05(1), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn G. W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-7.059	Use of Meters
25-7.060	Location of Meters and Associated Appurtenances
25-7.061	Meter Testing Equipment
25-7.062	Meter Test Records
25-7.064	Periodic Meter Tests
25-7.065	Meter Test by Request
25-7.066	Meter Test – Referee
25-7.070	Sealing Meters
25-7.071	Measuring Customer Service
25-7.084	Meter Readings

PURPOSE AND EFFECT: Rule 25-7.059, F.A.C., would be clarified to accurately describe the “pressure control” function; Rule 25-7.060 would be amended to delete obsolete meter locating requirements; Rule 25-7.061, F.A.C., would be amended to delete obsolete meter-testing technology language; Rule 25-7.062 would be amended to remove obsolete language and to clarify language; Rule 25-7.064, F.A.C., language would be amended for accuracy and clarification; Rule 25-7.065 would be amended to add allowable methods of test request and to add clarifying language; Rule 25-7.066, F.A.C., would be amended to add clarifying language; Rule 25-7.070, F.A.C., would be amended to update terminology; Rule 25-7.071, F.A.C., would be amended to delete unnecessary language; Rule 25-7.084, F.A.C., would be amended to remove obsolete language and to add clarifying language. Undocketed.

SUBJECT AREA TO BE ADDRESSED: The rules address the use of meters, location of meters and associated appurtenance, meter testing equipment, meter test records, periodic meter tests, meter test by request, meter test-referee, sealing meters, measuring customer service, and meter readings.

RULEMAKING AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.05(1), (3), (4), (5) FS.

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

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PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-12.005	Codes and Standards Adopted
25-12.008	New, Reconstructed or Converted Facilities
25-12.027	Welder Qualifications
25-12.052	Criteria for Cathodic Protection of Buried or Submerged Steel, Cast Iron, and Ductile Iron Pipeline
25-12.082	Construction Notice

PURPOSE AND EFFECT: Rule 25-12.005, F.A.C., would be amended to adopt the most current applicable Code of Federal Regulation sections for natural gas pipelines; Rule 25-12.008, F.A.C., would be amended to delete obsolete requirements and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.027, F.A.C., would be amended to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.052, F.A.C., would be amended to remove obsolete language and to reflect the adoption of the most current applicable C.F.R. section; Rule 25-12.082, F.A.C., would be amended to specify the timeframe within which major pipeline construction or alternation notification must be given to the Commission.

Undocketed

SUBJECT AREA TO BE ADDRESSED: Safety of gas transportation by pipeline.

RULEMAKING AUTHORITY: 350.127(2), 368.05(2), FS. LAW IMPLEMENTED: 38.03, 368.05(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

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PUBLIC SERVICE COMMISSION

RULE NO.:	RULE TITLE:
25-24.825	Price List

PURPOSE AND EFFECT: Rule 25-24.825, F.A.C., would be repealed to comply with recent changes to Section 364.04(1), F.S., which permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and which provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127, 364.01 FS.

LAW IMPLEMENTED: 364.01, 364.04 FS.

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

DATE AND TIME: Monday, December 5, 2011, 1:30 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL

One or more Commissioners may be in attendance and participate in the workshop. In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary draft of the proposed rule amendment will be available on the Commission's website, www.floridapsc.com, after November 15, 2011

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DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-302.104	Correctional Probation Officers Carrying Firearms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what type of holster is required of probation officers who carry firearms.

SUBJECT AREA TO BE ADDRESSED: Probation officers' firearms.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06 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 Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (3) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry the firearm, in accordance with Department standards, only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist. ~~All holsters that secure the firearm about the waist shall be of a type which secures the firearm with a thumb break retainer.~~ Only the authorized firearm may be carried.

(b) through (5) No change.

(6) Firearm Type, Holsters, and Ammunition.

(a) Correctional probation officers are authorized to carry only department approved firearms, holsters, ammunition and reloading devices.

(b) through (11) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 790.06 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-4-01, 8-13-03, 6-24-04, 7-13-05, 3-27-08,

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-40.302
 RULE TITLE: Conditions for Issuance of General Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify the threshold for general environmental resource permits when activities are proposed to occur in, on or over wetlands and other surface waters. Under current rule language, one of the thresholds for a general permit is activity in, on or over wetlands and other surface waters must be limited to one acre or less. Excluded from the calculation of this one-acre limit are upland-cut ditches and any wholly

owned isolated wetland or other surface water less than one-half acre in size and for which mitigation is not required. Under Section 3.2.2.2 of the District's Environmental Resource Permitting Information Manual Part B, Basis of Review, alterations to wholly owned ponds constructed entirely in uplands and less than one acre in size do not require mitigation to offset any adverse impacts to fish and wildlife. Accordingly, the proposed amendment will exclude activities in wholly owned ponds up to one acre in size that are constructed entirely in uplands and for which mitigation is not required from the general permit threshold of one acre of activities in wetlands or other surface waters. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public when proposed activities involve wetlands and other surface waters.

SUBJECT AREA TO BE ADDRESSED: General Environmental Resource Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.079(4)(a), 373.083(5), 373.413, 373.414, 373.416, 373.419 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.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: Barbara Martinez, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC#2011051)

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 Accountancy

RULE NO.: 61H1-27.001
 RULE TITLE: College or University Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to add Hong Kong to a list of countries with Board-approved college or university accounting programs to mirror the recent recognition by the U.S. International Qualifications Appraisal Board.

SUBJECT AREA TO BE ADDRESSED: College or University Requirements.

RULEMAKING AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 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: Veloria A. Kelly, Executive Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

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DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-24.017 Board Business

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete a subsection that contradicts Section 456.011, and a subsection unnecessary because it states a requirement already mandated by statutes.

SUBJECT AREA TO BE ADDRESSED: Board Business.

RULEMAKING AUTHORITY: 456.011(4) FS.

LAW IMPLEMENTED: 456.011(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-26.001 Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete a rule subsection that repeats the language of the statute.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(7) 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.

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DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-27.100 Fees

PURPOSE AND EFFECT: The Board proposes this new rule to consolidate the fees into one rule, delete obsolete fees rules and reduce the reactivation rule for massage therapists and the initial licensure fee for massage establishments.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 456.013(2), 456.025(1), 456.036(7), (8), 456.065(3), 480.035(7), 480.044 FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 456.036(4), 456.065(3), 480.043(7), 480.044 FS.

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DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-28.008 Display of Licenses

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement Section 456.072(1)(t), F.S., in a manner that will assist the Department investigators in determining unlicensed practice of massage therapy.

SUBJECT AREA TO BE ADDRESSED: Display of Licenses.
RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 456.072(1)(t), 480.043(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: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-28.0095 Continuing Education for Pro Bono Services

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate the forms developed for the pro bono method of achieving the required biennial continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Pro Bono Services.

RULEMAKING AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 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.

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DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-29.001 Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate in the definition of “direct supervision” the generally accepted standard of the boards regulating health care professionals.

SUBJECT AREA TO BE ADDRESSED: Definitions.
RULEMAKING AUTHORITY: 480.035(7), 480.041(4)(b) FS.

LAW IMPLEMENTED: 480.041(4)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-32.001 Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to modify the rule so that courses that are eligible for distance learning do not require the physical presence of the instructor.

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

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

Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.002 RULE TITLE: Documentation of Graduation from a Board Approved Massage School

PURPOSE AND EFFECT: The Board proposes this rule amendment to simplify and reduce the documentation necessary from Board approved massage programs regarding the documentation for the programs' graduates.

SUBJECT AREA TO BE ADDRESSED: Proof of Graduation.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003 RULE TITLE: Minimum Requirements for Board Approved Massage Schools

PURPOSE AND EFFECT: The Board proposes this rule amendment to establish a standard for success on the approved national examinations in order to assist Florida citizens in achieving licensure after substantial expenditure in completing the required education and deletes documentation not needed for review of the program.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board Approved Massage Schools.

RULEMAKING AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.: 64K-1.007 RULE TITLE: Indicators of Substance Abuse

PURPOSE AND EFFECT: The Department determined that a new rule is needed to implement the statute requiring the program manager to work with the stakeholders to develop a rule to identify the indicators of controlled substance abuse.

SUBJECT AREA TO BE ADDRESSED: Indicators of Substance Abuse.

RULEMAKING AUTHORITY: 893.055 FS.

LAW IMPLEMENTED: 893.055 FS.

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

DATE AND TIME: December 1, 2011, 9:00 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822

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: telephone number (850)245-4292. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca R. Poston, BPharm, RPh., Program Manager, 4052 Bald Cypress Way, Bin #C-16, Tallahassee, Florida 32399, telephone number (850)245-4797

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68A-4.009 RULE TITLE: Florida Black Bear

PURPOSE AND EFFECT: As required by paragraph 68A-27.0012(3)(a), F.A.C., the Florida black bear has been evaluated under the listing criteria. The Commission is considering removing the Florida black bear from the State-designated Threatened species list. This rule would provide for prohibitions, permitting, and agency activities concerning the Florida black bear subsequent to its removal from the State-designated Threatened species list.

SUBJECT AREA TO BE ADDRESSED: Regulations concerning the Florida black bear subsequent to its removal from the State-designated Threatened species list.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV., Sec. 9, Fla. Const., 379.1025 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: David Telesco, Bear Management Program, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399 (phone: (850)922-4330)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION WEBSITE, <http://www.MyFWC.com/Bear>. Look under Read the Draft Bear Management Plan; the proposed rule language is in Appendix V.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68A-27.003 RULE TITLE: Designation of Endangered Species; Prohibitions

PURPOSE AND EFFECT: As required by paragraph 68A-27.0012(3)(a), F.A.C., the Florida black bear has been evaluated under the listing criteria. The Commission is considering removing the Florida black bear from the State-designated Threatened species list. The effect of this rule would be to remove the Florida black bear from the State-designated Threatened species list.

SUBJECT AREA TO BE ADDRESSED: Regulations concerning the Florida black bear.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV., Sec. 9, Fla. Const.

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: Kelly Samek, Senior Attorney, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399 (phone: (850)487-1764)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY REQUEST (see above).

**Section II
Proposed Rules**

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.721 RULE TITLE: Visiting Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove reference to smoking.

SUMMARY: The proposed rule is amended to clarify that tobacco use by visitors is not permitted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Based on information provided by the Bureau of Classification and Central Records, the changes only affect internal operations and will not require legislative ratification.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS: