

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099811
RULE TITLE: Differentiated Accountability State System of School Improvement

PURPOSE AND EFFECT: The purpose of this rule development is to review the current rule to identify necessary changes to conform to HB 7127 which takes effect on July 1, 2012 and amends Section 1008.33, Florida Statutes to align with the State's approved ESEA waiver. The effect will be a rule aligned with current statutes.

SUBJECT AREA TO BE ADDRESSED: Differentiated Accountability State System of School Improvement.

RULEMAKING AUTHORITY: 1001.02(1), 1008.33 FS.

LAW IMPLEMENTED: 1006.40(2), 1008.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW. ADDITIONAL WORKSHOP DATES AND PLACES WILL BE DETERMINED UPON REQUEST.

DATE AND TIME: July 17, 2012, 4:00 p.m.

PLACE: Broward College, 111 East Las Olas Boulevard, Ft. Lauderdale, FL 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frederick R. Heid, Bureau Chief for School Improvement, 325 W. Gaines Street, Suite 314, Tallahassee, FL 32399, (850)245-0426. To submit a comment or request a rule development, please contact Lynn Abbott, Agency Clerk, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to: https://app1.fldoe.org/rules/default.aspx

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: https://app1.fldoe.org/rules/default.aspx.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: 12D-8.0065
RULE TITLE: Transfer of Homestead Assessment Difference; "Portability"; Sworn Statement Required; Denials; Late Applications

PURPOSE AND EFFECT: This proposed rule implements the procedures of Section 5 of Ch. 2012-193, L.O.F., designating the ownership shares to be attributed to a husband and wife who abandon a homestead property for purposes of determining the assessed value of a newly established homestead under certain circumstances.

SUBJECT AREA TO BE ADDRESSED: The subject areas addressed are transfer of assessment limitation difference or portability process. Rule text is posted on the Department's website at: http://dor.myflorida.com/dor/property/legislation/.

RULEMAKING AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.047, 193.114, 193.1142, 193.155, (Chapter 2012-193, LOF), 193.703, 194.011 FS.

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

DATE AND TIME: August 14, 2012, 9:00 a.m.

PLACE: Conference Room 3503, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this hearing through a simultaneous electronic broadcast of this event by the Department of Revenue using WebEx and conference calling technology from their home or office. The requirements to participate are access to the Internet and a telephone. Specific information about how to participate in this electronic meeting will be included in the Agenda for this hearing posted on the Department's site at: http://dor.myflorida.com/dor/property/legislation/09/.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)617-8871. 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: Larry Green, Senior Tax Specialist, Property Tax Oversight Program, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)617-8871, GreenLar@dor.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NOS.: 33-103.016, 33-103.018
RULE TITLES: Follow Through on Approved Grievances, Evaluation of the Grievance Procedure

PURPOSE AND EFFECT: The purpose and effect of the rulemaking is to revise Form DC1-306 for conformity with the rule and to reflect the title change of the Office of Institutions, Bureau of Security Operations.

SUBJECT AREA TO BE ADDRESSED: Inmate Grievances.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.016 Follow Through on Approved Grievances.

(1) Formal Grievance – Institution or Facility Level. All formal grievances that are approved at the institution or facility level shall be handled as follows:

(a) The employee approving the grievance shall complete Section I of Form DC1-306, Grievance Approval Action Form. Form DC1-306 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399. <http://www.flrules.org/Gateway/reference.asp?No=Ref 01224>. The effective date of the form is 08-01-00.

(b) through (f) No change.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History–New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06, 3-25-08, \_\_\_\_\_.

33-103.018 Evaluation of the Grievance Procedure.

The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Institutions, Bureau of Security Operations Internal Audit. This evaluation shall include information obtained from a survey of staff and inmates, review of employees’ and inmates’ comments on the effectiveness and credibility of the procedure on site visits to institutions and facilities by staff of the Office of Institutions, Bureau of Security Operations Bureau of Internal Audit and from monthly reports prepared by the Bureau of Policy Management and Inmate Appeals.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended 2-9-05, \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Administrative Hearings**

RULE NOS.:	RULE TITLE:
60Q-6.102	Definitions
60Q-6.103	Pleadings and Proposed Orders
60Q-6.107	Amendment and Dismissal of Petition for Benefits
60Q-6.108	Filing and Service

60Q-6.110	Mediation, Generally
60Q-6.115	Motion Practice
60Q-6.116	Prosecution of Claims and Petitions for Benefits
60Q-6.117	Emergency Conferences
60Q-6.123	Settlements Under Section 440.20(11), Florida Statutes
60Q-6.124	Payment of Attorney's Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes
60Q-6.126	Disqualification or Recusal of Judges
60Q-6.127	Procedure for Relief from Appellate Filing Fee and Costs

PURPOSE AND EFFECT: Procedural rules for adjudication of workers' compensation claims were implemented on February 23, 2003, pursuant to the mandate in Section 440.45, Florida Statutes, that the Division of Administrative Hearings adopt procedural rules. Amendments to the rules have previously been made in 2006 and 2010. Since Sections 440.015 and 440.44(2), Florida Statutes, require that the workers’ compensation system be efficient and self-executing and that the Division of Administrative Hearings assume an active and forceful role in achieving that goal, it is necessary to amend the existing rules to conform with subsequent statutory changes and to incorporate changes that will improve the adjudicatory process based upon experience in utilizing the existing rules.

SUBJECT AREA TO BE ADDRESSED: The procedural rules applicable to workers’ compensation adjudications before the judges of compensation claims.

RULEMAKING AUTHORITY: 61.14(8)(a), 440.45(1)(a), (4) FS.

LAW IMPLEMENTED: 61.14(8)(a), 440.105(3)(c), 440.192, 440.20(11), 440.25(1)-(4), 440.271, 440.29(2), 440.32, 440.33(1), 440.34, 440.345, 440.442, 440.45(1)(a), (4), (5) FS.

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

DATE AND TIME: Friday, July 6, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: (bridge by video teleconferencing): 1809 Art Museum Drive, Suite 200, Jacksonville, Florida; 1000 North Ashley Drive, Suite 309, Tampa, Florida; 5405 Okeechobee Boulevard, Suite 200, West Palm Beach, Florida; and The DeSoto Building, 2nd Floor Conference Room, 1230 Apalachee Parkway, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lisa Mustain, Administrative Services Director, (850)488-9675. 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: Loretta Sloan, Executive Assistant, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, (850)488-9675, ext. 221 or through the Internet at www.doah.state.fl.us or www.fljcc.org  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

62-330.200  
62-330.201  
62-330.401  
62-330.405  
62-330.410  
62-330.417

Rules Adopted by Reference  
Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters  
Policy and Purpose  
General Conditions for All Noticed General Permits  
Noticed General Permit for Dredging by the West Coast Inland Navigation District  
General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015  
RULE TITLE: Notices of Satisfactory Course Completion

62-330.427  
62-330.428

General Permit for Certain Piers and Associated Structures

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

62-330.431

General Permit for Floating Vessel Platforms and Floating Boat Lifts

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to notices of satisfactory course completion.

62-330.437

General Permit for Installation of Riprap  
General Permit for the Installation of Fences

RULEMAKING AUTHORITY: 455.2123, 475.05 FS.

62-330.439

General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

62-330.441

Noticed General Permit for Public Navigation Channel and Canal Infrastructure by the West Coast Inland Navigation District within Lee County

DATE AND TIME: Tuesday, July 17, 2012, 8:30 a.m. or as soonest thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

62-330.443

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation

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: Division of Real Estate, (407)481-5662. 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).

62-330.447

General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

62-330.448

General Permit to Counties and Municipalities to Pave Existing County or Municipally Owned and Maintained Roads, including the Repair and Replacement of Bridges that are Part of the Roadway

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.: 62-330.021, 62-330.100  
RULE TITLES: Definitions, Purpose and Intent

62-330.453	General Permit for Installation, Maintenance, Repair, and Removal of Underground Cable, Conduit, or Pipeline	62-330.491	Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone
62-330.455	General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters	62-330.492	Noticed General Permit for Prospecting
62-330.457	General Permit for Subaqueous Utility Crossings of Artificial Waterways	62-330.493	General Permit to Perform Prospecting Activities for Phosphate Minerals
62-330.458	General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities	62-330.494	General Permit for Temporary Dragline Crossings of Waterways
62-330.459	General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects	62-330.495	General Permit for Low Water Crossings
62-330.463	General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies	62-330.500	General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems
62-330.467	General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies	62-330.505	General Permit to the U.S. Forest Service for Minor Works within National Forests
62-330.475	General Permit for Minor Activities	62-330.600	General Permit for the Construction of Artificial Reefs
62-330.476	General Permit for Private Single-Family Residences Within Jupiter Farms, Palm Beach County	62-330.602	General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities
62-330.477	General Permit for Single Family Residential Lots Within the Indian Trail Water Control District	62-330.630	General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities
62-330.483	General Permit to the Department and Water Management Districts to Conduct Minor Activities	62-330.901	Noticed General Permit Forms
62-330.485	General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement	PURPOSE AND EFFECT: Section 373.4131, F.S., created by Chapter 2012-94, Laws of Florida, and effective July 1, 2012, requires the Department (DEP), in coordination with the five Water Management Districts (WMDs), to develop statewide environmental resource permitting (ERP) rules governing the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works or works, or combinations thereof, to implement Part IV of Chapter 373, F.S. The DEP proposes to substantially amend existing provisions of Chapter 62-330, F.A.C., and add new rules to be implemented by DEP, the WMDs, and local governments delegated under Section 373.441, F.S., without the need for further rulemaking by the WMDs and local governments, pursuant to Section 373.4131, F.S. The purpose of this rulemaking is to establish statewide ERP rules that will	
62-330.487	General Permit to the Department and Water Management Districts to Change Operating Schedules for Water Control Structures		

rely primarily upon existing rules of the DEP and WMDs, revised as necessary to achieve a more consistent, effective, and streamlined approach to implement the ERP program; these new rules will reduce regulatory costs and burdens for the public while not lowering environmental standards and continuing to protect the state’s water resources.

SUBJECT AREA TO BE ADDRESSED: Chapter 62-330, F.A.C., is an existing rule of the DEP that currently incorporates by reference the rules of the WMDs used by the DEP to implement its responsibilities under the ERP program. It was recently amended (through rule transfers) to include all of the noticed general permits formerly contained in Chapters 62-341 and 62-330, F.A.C., will be substantially revised to become the statewide ERP rules. The proposed rulemaking for Chapter 62-330, F.A.C., will include provisions such as: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; general conditions; formal determinations of the landward extent of wetlands and other surface waters; and mitigation criteria currently contained in existing DEP and WMD ERP rules, primarily Chapters 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40C-400, 40D-4, 40D-40, 40D-400, 40E-4, 40E-40, 40E-400, 62-342, 62-343, and 62-346, F.A.C., and the Applicant’s Handbooks and Basis of Review of each WMD. It will also incorporate new, and amend existing, exemptions and noticed general permits to authorize certain minor and routine activities more quickly than through individual permit review, and at lower cost to the applicant, without causing significant adverse impacts individually or cumulatively.

The rule chapter will incorporate by reference guidance documents to be known as Applicant’s Handbooks, consisting of two volumes; one volume adopted by the DEP to include general and environmental procedures and forms that will apply statewide, and a second volume, specific to each WMD and adopted also by the applicable WMD, which will retain the existing design and performance standards for stormwater quality and quantity within each WMD. Additional basin-specific rules adopted by the WMDs also will be retained and incorporated by reference to maintain regional differences necessary because of variations in rainfall and other physical and natural characteristics throughout the state.

The DEP has established an Internet site (<http://www.dep.state.fl.us/water/wetlands/swerp/index.htm>) to provide information about the rulemaking, and a dedicated forum (<http://depflorida.ipbhost.com/>) to accept comments from the public on the rule. A link to those sites also exists at [http://www.dep.state.fl.us/water/rules\\_dr.htm#erp](http://www.dep.state.fl.us/water/rules_dr.htm#erp).

RULEMAKING AUTHORITY: 373.026(7), 373.043, 373.118, 373.118(1), 373.406(5), 373.413, 373.4131, 373.414, 373.414(9), 373.4145, 373.415, 373.418, 373.421(2), 373.4211(22)-(25), 373.461, 380.06(9), 403.0877, 403.805(1), 403.813(1)(t) FS.

LAW IMPLEMENTED: 120.54(5)(a), 373.019, 373.042, 373.0421, 373.044, 373.085, 373.086, 373.109, 373.118, 373.118(1), 373.119, 373.129, 373.136, 373.403, 373.406, 373.406(5), 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.414(9), 373.4141, 373.4145, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.4211(22), (25), 373.422, 373.423, 373.426, 373.427, 373.429, 373.413, 373.430, 373.433, 373.436, 373.439, 373.461, 380.06(9), 403.0877, 403.813(1), 403.813(1)(t) 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: Mary VanTassel, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS #2500, Tallahassee, Florida 32399-2400, telephone (850)245-8486, e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us); or facsimile (850)245-8499. (OGC Tracking No. 12-1058)

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-710.201	Definitions
62-710.210	Documents Incorporated by Reference
62-710.401	Prohibitions
62-710.500	Registration and Notification
62-710.510	Record Keeping and Reporting
62-710.600	Certification Program for Used Oil Transporters
62-710.800	Permits for Used Oil Processing Facilities
62-710.850	Management of Used Oil Filters
62-710.901	Forms

PURPOSE AND EFFECT: The purpose and effect of this rule development will be to amend rules identified in the Department’s 2011-2012 Regulatory Plan as needing to be amended to delete unnecessary subsections and to clarify and ensure internal consistency, and to amend rules identified by stakeholders for clarification and simplification.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed in this rulemaking include technical corrections to the used oil management regulations in Chapter 62-710, F.A.C.

**RULEMAKING AUTHORITY:** 120.53(1), 403.061, 403.704, 403.7545, 403.767 FS.

**LAW IMPLEMENTED:** 403.703, 403.704, 403.707, 403.75, 403.751, 403.754, 403.7545, 403.760, 403.767, 403.769 FS.

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

**DATE AND TIME:** To be determined

**PLACE:** To be determined

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: Julie Rainey (contact information provided below). 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:** Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713 or email at Julie.C.Rainey@dep.state.fl.us

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-730.020	Definitions
62-730.021	References, Variances and Case-by-Case Regulations
62-730.030	Identification of Hazardous Waste
62-730.150	General
62-730.160	Standards Applicable to Generators of Hazardous Waste
62-730.161	Emergency Identification Numbers
62-730.170	Standards Applicable to Transporters of Hazardous Waste
62-730.171	Transfer Facilities
62-730.180	Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
62-730.181	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

62-730.182

62-730.183

62-730.184

62-730.185

62-730.186

62-730.200

62-730.210

62-730.220

62-730.225

62-730.226

62-730.240

62-730.250

62-730.260

62-730.265

62-730.270

62-730.290

62-730.291

62-730.292

62-730.293

62-730.300

62-730.310

62-730.320

62-730.900

**PURPOSE AND EFFECT:** The purpose and effect of this rule development will be to amend rules identified in the Department’s 2011-2012 Regulatory Plan as needing to be amended to delete unnecessary subsections and to clarify and ensure internal consistency, and to amend rules identified by stakeholders for clarification and simplification.

**SUBJECT AREA TO BE ADDRESSED:** The subject areas to be addressed in this rulemaking include technical corrections to the state hazardous waste regulations in Chapter 62-730, F.A.C.

Criteria to Determine Whether Changes Constitute a “Substantial Modification” at Certain Existing Hazardous Waste Facilities That Are Otherwise Exempt From Statutory Location Standards  
 Land Disposal Restrictions  
 Adoption of Federal Procedures for Decision Making  
 Standards for Universal Waste Management  
 Universal Pharmaceutical Waste Introduction, Scope and Procedures for Decision Making  
 Definitions  
 Applications for Permits and Other Authorizations  
 Requirements for Remedial Activities  
 Financial Assurance for Remedial Activities  
 Operation Permits  
 Construction Permits  
 Closure Permits  
 Clean Closure Plans at Unpermitted Facilities and Subpart H Remedial Action Plans  
 Exemptions  
 Permit Modification  
 Permit Renewal  
 Public Notice for Hazardous Waste Permits and Other Authorizations  
 Fees for Hazardous Waste Permits and Other Authorizations.  
 Permit Renewal and Transfer  
 Availability of Information  
 Emergency Detonation or Thermal Treatment of Certain Hazardous Waste  
 Forms

RULEMAKING AUTHORITY: 120.53, 376.30701, 403.061, 403.0611, 403.087, 403.0877, 403.151, 403.201, 403.704, 403.707, 403.72, 403.721, 403.7211, 403.722, 403.7234, 403.724, 403.7255, 403.727, 403.8055, 403.814 FS.

LAW IMPLEMENTED: 120.52, 120.53, 120.54, 120.55, 376.30701, 403.061, 403.0611, 403.087, 403.0875, 403.0877, 403.088, 403.091, 403.111, 403.151, 403.201, 403.704, 403.7045, 403.707, 403.72, 403.721, 403.7211, 403.722, 403.7222, 403.723, 403.7234, 403.724, 403.726, 403.727, 403.73, 403.783, 403.8055 FS.

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

DATE AND TIME: To be determined

PLACE: To be determined

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: Julie Rainey (contact information provided below). 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: Julie Rainey, Department of Environmental Protection, MS 4560, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8713 or email at Julie.C.Rainey@dep.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:                   RULE TITLE:  
64B9-7.001                   Fees

PURPOSE AND EFFECT: The purpose of this amendment is to reduce the active renewal license fees.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:                   RULE TITLE:  
64B10-10.014               Security and Monitoring Procedures  
  for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the referenced rule and to remove language concerning security and monitoring procedures for licensure examination to administration procedures.

SUBJECT AREA TO BE ADDRESSED: Administration Procedures for Licensure Examination.

RULEMAKING AUTHORITY: 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.:                   RULE TITLE:  
64B33-2.003               Requirements for Continuing  
  Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language from the rule due to changes to Chapter 456, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Requirements for continuing education.

RULEMAKING AUTHORITY: 456.013, 456.034(5), 468.705, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013, 456.034, 468.711(2), (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: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-5.001                      RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to update penalties in the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.079, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.717, 456.079, 468.719 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: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NOS.: 65E-20.010, 65E-20.011                      RULE TITLES: Transportation, Receipt of Commitment Orders and Required Documentation

PURPOSE AND EFFECT: This purpose of this rulemaking activity is to update two rules in this Chapter to reflect current standards. Rule 65E-20.010, F.A.C., will be amended to update standards on the transportation of residents in state mental health treatment facilities. This driver’s license required by employees providing transportation will be aligned to current Florida licensure classifications. This rule will also be amended to permit transportation of forensic clients residing in

civil mental health treatment facilities in the same vehicle as non-forensic residents, thereby reducing costs on the facility without loss of safety for the residents. Rule 65E-20.011, F.A.C., will be amended to update contact information for the Forensic Admission Coordinator in the Program Office and the Mentally Retarded Defendants program at Florida State Hospital.

SUBJECT AREA TO BE ADDRESSED: Transportation at state mental health treatment facilities and documentation of commitment order for individuals committed to state mental health treatment facilities.

RULEMAKING AUTHORITY: 916.1093(2) FS.

LAW IMPLEMENTED: 916.107(10), 916.13, 916.15 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: A.D. McCoy, Ph.D., DCF Mental Health Program Office, 1317 Winewood Blvd., Bldg. 6, Room 219, Tallahassee, Florida 32399-0700, (850)717-4333

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-20.010 Transportation.

(1) No change.

(2) All transportation provided shall be consistent with the needs of clients and the condition of clients being transported, as specified by the sending facility. Any company contracting with the governing board of a county to transport forensic clients shall comply with requirements to ensure the safety and dignity of the client. Such requirements shall be specified in the contract and shall include, but not be limited to the following:

(a) All transport vehicles will be equipped with a type 1A10BC fire extinguisher, seat belts, and two-way communication radio.

(b) Staff having the responsibility for transporting clients shall be trained, experienced, and otherwise qualified to transport mentally ill persons. This training shall include, but not be limited to, the training approved by the department for law enforcement officers involved with the care and handling of clients under Chapter 394, F.S.

(c) A minimum of two staff members shall be used in the transporting of clients.

(d) Staff members transporting forensic clients shall not wear firearms in the vehicle.

(e) The length of time for transporting clients shall not exceed 12 hours per day.



(f) Rest stops shall be made at regular intervals during the transporting of clients.

(g) Clients shall be dressed in appropriate seasonal attire.

(h) Nutritious meals shall be provided at appropriate times during the transporting of clients.

(i) Physical restraints, such as canvas cuffs, shall be used only when necessary to protect the clients from injury to themselves or others.

(j) All staff members who accompany clients shall have knowledge of techniques in handling volatile clients.

(k) Any driver of a vehicle used in transporting mental health clients shall have a valid Florida Class E (non-commercial) chauffeur's license when operating a vehicle designed to transport 15 or fewer individuals including the driver. The Class C commercial license will be needed when operating a vehicle with a Gross Vehicle Weight Rating of less than 26,001 pounds designed to transport more than 15 persons including the driver. When passengers are transported in a vehicle with a Gross Vehicle Weight Rating of 26,001 pounds or more a Class B commercial license with a Passenger endorsement will be needed. All drivers will be responsible for ensuring they have the appropriate licenses and endorsements.

(l) Any vehicle used in transporting clients shall be maintained and operated in accordance with Chapter 916, F.S., and in a manner that protects the clients' rights, dignity, and physical safety.

(m) The number of persons in any vehicle used in transporting clients shall not exceed the manufacturer's recommended seating capacity.

(n) Any unusual incidents occurring during the client transport process shall be reported immediately upon arrival at the treatment facility to the sheriff's department, an originating receiving or treatment facility, if applicable, and the governing board of the county.

(o) The transport company shall ensure the confidentiality of the transport record.

(p) Civil patients committed under Part I of Chapter 394, F.S., and forensic clients committed under Chapter 916, F.S., who are assigned to reside in secure facilities, shall be transported separately. Forensic clients who reside in civil facilities may be transported with civil patients.

Rulemaking Specific Authority 916.1093(2) FS. Law Implemented 916.107(10) FS. History--New 9-29-86, Amended 7-1-96, Formerly 10E-20.010, Amended 9-29-98,\_\_\_\_\_.

65E-20.011 Receipt of Commitment Orders and Required Documentation.

(1) Commitment orders pertaining to any person committed to the Department of Children and Family Services pursuant to the provisions of Chapter 916, F.S., shall be sent to the Department of Children and Family Services for review and determination of an appropriate facility placement for the client. The order shall be accompanied by documentation

specified in Florida Rules of Criminal Procedure 3.212 and 3.217. The complete commitment package shall be mailed to one of the following addresses:

For mentally ill forensic clients:

Forensic Admission Coordinator,  
Mental Health Program Office  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700  
(850)487-3471 (850)487-2920, SC 277-2920

For mentally retarded forensic clients:

Mentally Retarded Defendant Program  
P. O. Box 1000  
Chattahoochee, FL 32324  
(850)663-7512 (805)663-7373

Upon receipt of each commitment package the department shall review the package for completeness.

(a) If complete, the date of receipt shall be recorded. The statutory 15 day period set forth in Section 916.107(1)(a), F.S. (1985), will commence on this day.

(b) If the package is incomplete the appropriate authority will be notified of the missing items, and advised that the official date of receipt of the commitment package will be delayed until all missing items are received.

(2) through (4) No change.

Rulemaking Specific Authority 916.1093(2) FS. Law Implemented 916.13, 916.15 FS. History--New 9-29-86, Amended 7-1-96, Formerly 10E-20.011, Amended\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09414	Course Requirements – Grades PK-12 Exceptional Student Education

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the new and revised course descriptions for the 2012-13 school-year. Courses for Prekindergarten, General Academics, Academics Subject Areas, Special Skill Courses, Therapy, Supported Levels 9-12, Participatory Level 9-12, Gifted, Career and Technical Education for Students with Disabilities and Non-Credit are being revised to align with the Next Generation Sunshine State Standards and Common Core State Standards approved by the State Board of Education for these content areas.

SUMMARY: Course descriptions for Prekindergarten, General Academics, Academic Subject Areas, Special Skill Courses, Therapy, Supported Levels 9-12, Participatory Level 9-12, Gifted, Career and Technical Education for Students with