

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.07861 Model Forms for Charter Technical
 Career Center Applicants and
 Sponsors

PURPOSE AND EFFECT: The purpose of this rule development is to implement the Model Florida Charter Technical Career Center Application and the Florida Charter Technical Career Center Application Evaluation Instrument pursuant to Section 1002.34, Florida Statutes. The effect will be a rule that is aligned with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Charter Technical Career Centers.

RULEMAKING AUTHORITY: 1002.34 FS.

LAW IMPLEMENTED: 1002.34 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: Kathleen Taylor, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, Suite 714, Tallahassee, Florida 32399-0400, (850)245-9062, Kathleen.Taylor@fldoe.org. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (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 NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-10.0401 Gold Standard Career Pathways
 Articulation Agreement

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate by reference all Gold Standard Career Pathways statewide articulation agreements based on industry certifications. Gold Standard Career Pathways articulation agreements guarantee individuals who have earned the industry certification specified in the agreement and enrolled in the specified associate degree program at a Florida College System institution will be awarded college credit as indicated in the agreement.

SUBJECT AREA TO BE ADDRESSED: Gold Standard Career Pathways Articulation Agreement.

RULEMAKING AUTHORITY: 1007.23 FS.

LAW IMPLEMENTED: 1007.23 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: John McNeely, Division of Career and Adult Education, Florida Department of Education, 325 West Gaines Street, #1554 E, Tallahassee, FL 32399-0400, (850)245-9028. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (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>.

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-24.510 25-24.511 25-24.512 25-24.514 25-24.515	RULE TITLES: Certificate of Public Convenience and Necessity Required Application for Certificate Application for Approval of Sale, Assignment or Transfer of Certificate Cancellation of a Certificate Pay Telephone Service
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PURPOSE AND EFFECT: The rule repeals and revisions are intended to implement the Regulatory Reform Act of 2011, in regard to pay telephones. Rule 25-24.510, F.A.C., on Certificate of Public Convenience and Necessity Required would be repealed. Rule 25-24.511, F.A.C., on Application for Certificate is being revised to specifically identify the Commission website. Rule 25-24.512, F.A.C., is revised to refer specifically to the Commission website and to refer to certificates of authority or necessity. Rule 25-24.514, F.A.C., is revised to remove unnecessary language. Rule 25-24.515, F.A.C., on Pay Telephone Service is revised to repeal some provisions no longer authorized by the Regulatory Reform Act of 2011, and to require each pay telephone station to permit free access to the universal telephone number "911".

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Pay Telephone Service.

RULEMAKING AUTHORITY: 350.127(2), 365.171 FS.

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 365.171 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: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

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

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-21.001
 RULE TITLE: Strategic Regional Policy Plan

PURPOSE AND EFFECT: Review and refinement of the regional goals and policies within the Council’s Strategic Regional Policy Plan (2060 Plan) which are intended to assist local decision making on planning, development and growth issues in Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties in a manner that encourages implementation of the Central Florida Regional Vision adopted by representatives of all 93 communities that participated in an eighteen month regional visioning process involving approximately 20,000 citizens.

SUBJECT AREA TO BE ADDRESSED: The East Central Florida Strategic Regional Policy Plan is required by Section 186.507, Florida Statutes, and contains regional goals and policies that address economic development, emergency preparedness, natural resources of regional significance (including the identification of regional resources and facilities), regional transportation, affordable housing, and a dispute resolution process

RULEMAKING AUTHORITY: 186.505, 120.54 FS.
 LAW IMPLEMENTED: 186.507 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: October 11, 2012, 10:00 a.m.
 PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

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: tbyrd@ecfrpc.org. 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: Hugh W. Harling, Jr., (407)262-7772 or hharling@ecfrpc.org

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.2035
 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule text and forms to reflect the Office of Institutions will be responsible for inmate substance abuse testing.

SUBJECT AREA TO BE ADDRESSED: Inmate Substance Abuse Testing.

RULEMAKING AUTHORITY: 944.09, 944.473 FS.
 LAW IMPLEMENTED: 944.09, 944.472, 944.473 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: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.2035 Inmate Substance Abuse Testing.

The Office of Institutions ~~Office of the Inspector General~~ shall be responsible for the development and implementation of the department’s substance abuse testing program.

- (1) Definitions.
 - (a) No change.
 - (b) Tester – a correctional officer who has been certified as competent by the manufacturer of the onsite testing device and trained by certified training personnel, affiliated with the department, on the proper procedures for collecting urine specimens, including the completion and maintenance of the Chain of Custody Form, the handling and disposing of urine specimens, and the administration and interpretation of the on-site testing device. All testing personnel must be approved by the Office of Institutions ~~Office of the Inspector General~~.

- (c) No change.
- (d) Chain of Custody Form – the form used to document the identity and integrity of an inmate’s specimen from time of collection until the specimen is prepared for shipment to a designated outside laboratory for confirmation testing. This form will be provided by the laboratory conducting confirmation tests on specimens that had a positive result on the on-site testing device. The Chain of Custody Form is hereby incorporated by reference ~~in paragraph (3)(h) of this~~

~~rule.~~ Copies of the form are available directly from the vendor or from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is 11-28-10.

(e) through (f) No change.

(g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are positive and the inmate refuses to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use. Form DC6-2065 DC1-824 is hereby incorporated by reference ~~in~~ paragraph (3)(h) of this rule. Copies of the form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

(h) No change.

(2) The Department of Corrections conducts the following types of inmate substance abuse testing:

(a) For-Cause or Reasonable Suspicion Testing.

1. Inmates suspected of involvement with drugs or alcohol shall be subject to for-cause testing upon order of the warden, the duty warden, the correctional officer chief of the facility, a designee of one of the above individuals, or the Office of Institutions ~~Office of the Inspector General~~. An inmate should only be tested for a maximum of four drugs on a for-cause basis unless extenuating circumstances exist. For-cause tests will only be conducted on inmates who meet the criteria outlined in subparagraphs 2.a. through c. below.

2. through 4. No change.

5. Upon approval of the warden, duty warden, correctional officer chief, their designees, or the Office of Institutions ~~Office of the Inspector General~~, collection and testing procedures shall be conducted immediately pursuant to this rule.

6. No change.

(b) through (c) No change.

(3) Procedures.

(a) No change.

(b) Specimen Collection Procedures.

1. through 7. No change.

8. An inmate who has not provided an adulterated urine specimen and who claims an inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC6-2064 DC1-823, Acknowledgement of Beverage, shall be completed. Form DC6-2064 DC1-823 is hereby incorporated by reference ~~in~~ paragraph (3)(h) of this rule. Copies of the form are available

from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

9. through 11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC6-2064 DC1-823, Acknowledgement of Beverage, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. through 3. No change.

4. The inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of two cups during the time spent in the dry cell, and Form DC6-2064 DC1-823, Acknowledgement of Beverage Form, shall be completed.

5. through 7. No change.

(d) No change.

(e) Testing of urine specimens.

1. through 6. No change.

7. Positive test results. The tester shall inform the inmate of the positive results of the on-site testing device. The inmate will then be given the opportunity to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use.

a. If the inmate chooses to sign Form DC6-2065 DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed in administrative confinement, and a disciplinary report shall be written. The

signed Form DC6-2065 DC1-824 will be attached to the disciplinary report to be used as evidence in the disciplinary hearing.

b. No change.

c. If the inmate does not sign Form DC6-2065 DC1-824, the following steps shall be taken:

i. through iv. No change.

8. No change.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate in accordance with the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign Form DC6-2065 DC1-824, Affidavit for Admission of Drug Use, a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing in accordance with the procedures outlined in paragraphs (3)(b) and (3)(e) above.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or designee. Form DC6-2066 DC1-827, Reasonable Suspicion Testing Tracking, shall be utilized for this purpose. Form DC6-2066 DC1-827 is hereby incorporated by reference in paragraph (3)(h) of this rule. Copies of the form are available from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is _____.

(g) No change.

~~(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~1. Form DC1-823, Acknowledgement of Beverage, effective February 5, 2001.~~

~~2. Form DC1-824, Affidavit for Admission of Drug Use, effective February 5, 2001.~~

~~3. Chain of Custody Form, effective November 28, 2010, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~4. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective February 19, 2007.~~

Rulemaking Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, 11-28-10, 1-11-12, Formerly 33-108.101, Amended _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: As required by Section 373.250(3)(c) and (d), F.S., this rulemaking will amend Rule 40D-2.091, F.A.C., and Section 3.1 of the Southwest Florida Water Management District's Water Use Permitting Basis of Review to implement new requirements for water use permit applicants and reuse utilities to aid in the determination of the feasibility of using reclaimed water in lieu of other sources. Subsections 373.250(3)(c) and (d), F.S. direct the water management districts to adopt rules to require certain permit applicants to provide written documentation from a reuse utility addressing the availability of and costs associated with the connection and use of reclaimed water to facilitate the permit applicant's reclaimed water feasibility evaluation.

SUBJECT AREA TO BE ADDRESSED: Amendments to Chapter 40D-2, F.A.C., to implement mandates in Section 373.250(3)(c) and (d), Florida Statutes to address certain reuse feasibility requirements for water use permit applicants and reuse utilities.

RULEMAKING AUTHORITY: 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS.

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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2011030)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-3.037	Rules, Publications and Agreements Incorporated by Reference
40D-3.507	Casing and Liner Pipe Standards
40D-3.517	Grouting and Sealing

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-3.037, F.A.C., to incorporate Chapters 62-528 (Underground Injection Control) and 62-532 (Water Well Permitting and Construction), F.A.C., which were recently amended by the Florida Department of Environmental Protection (Department). The rulemaking will also amend Rules 40D-3.507, and 40D-3.517, F.A.C., to reference those sections of Chapters 62-528 and 62-532, F.A.C., that were renumbered as a result of the amendments undertaken by the Department. The rulemaking will ensure consistency between the rules of the District and the Department governing well construction.

SUBJECT AREA TO BE ADDRESSED: Modification of District Rules Requiring Well Construction Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.306, 373.308, 373.309, 373.323, 373.324, 373.333 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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012020)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-3.041	Permits Required

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-3.041, F.A.C., to incorporate the statutory exemptions established in Section 373.326, F.S., by Chapter 2012-205, Laws of Florida. The effect of the rulemaking will be that the District will require permits for only those wells identified as Class V, Group 1, pursuant to paragraph 62-528.600(2)(a), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Modification of District Rules Requiring Well Construction Permits.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.106, 373.306, 373.308, 373.309, 373.313, 373.316 FS.

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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012021)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-3.341	Suspension, Revocation and Cancellation of Permits

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rule 40D-3.341, F.A.C., to allow a property owner or party in legal control of a property to request that the District administratively cancel a well construction permit, provided that no activity has taken place under the permit.

SUBJECT AREA TO BE ADDRESSED: Modification of District Rules governing Suspension, Revocation or Cancellation of Well Construction Permits

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.309, 373.313 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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012022)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate a proposed Environmental Resource Permit Applicant’s Handbook Volume II which, together with an Applicant’s Handbook Volume I that will be adopted by the Department of Environmental Protection (DEP), will provide guidance to applicants seeking environmental resource permits (ERPs) following DEP’s adoption of proposed new statewide ERP rules mandated by Section 373.4131, F.S. DEP is currently undertaking rulemaking to amend Chapter 62-330, F.A.C., which will become the statewide ERP rules. Each water management district is expected to adopt an Applicant’s Handbook Volume II that will contain the District-specific design and performance criteria relating to water quality, water quantity and any special basin criteria or other statutory requirements. Upon District adoption of the Applicant’s Handbook Volume II, it will be incorporated by reference into DEP’s statewide ERP rules.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.4131(3)(a) FS.

LAW IMPLEMENTED: 373.4131 FS.

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: Sonya White, Southwest Florida Water Management District, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012023)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rule 40D-8.624, F.A.C., to establish minimum and guidance levels for one of the District’s listed priority waters, Lake Hooker in Hillsborough County, FL pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum and guidance levels for Lake Hooker in Hillsborough County, Florida. A minimum level is the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 FS.

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: Christina Uranowski, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4271. (OGC File No. 2012013).

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.022
 RULE TITLE: Health Care Facilities Fee Assessments and Fee Collection Procedures

PURPOSE AND EFFECT: The Agency is proposing to update the rule pursuant to amendments during the 2012 legislative session to Section 408.033, F.S., to amend the procedures in which the health care facility fee is collected.

SUBJECT AREA TO BE ADDRESSED: The Agency is proposing to update the rule pursuant to amendments during the 2012 legislative session to Section 408.033, F.S., amending the procedures to collect the health care facility fee. The new procedure follows the intent of the Legislature and is a more efficient system of collection – on a biennial basis at the time of license renewal/license issuance to streamline the process for both the facility and the Agency.

RULEMAKING AUTHORITY: 408.033(2), 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 215.34(2), 408.032(2) FS.

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

DATE AND TIME: October 15, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: AHCA Conference Room D, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308

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 1 day before the workshop/meeting by contacting: Marisol Novak at Marisol.Novak@ahca.myflorida.com or at (850)412-4401. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marisol Novak, (850)412-4401, Marisol.Novak@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.022 Health Care Facilities Fee Assessments and Fee Collection Procedures.

(1) Health Care Facilities Subject to Assessment. In accordance with Section 408.033(2), F.S., the following health care facilities and health care service providers, licensed or certified by the Agency for Health Care Administration, shall be assessed an annual fee to be collected prospectively by the agency within the time frames specified in subsection (4):

(a) Abortion clinics licensed under Chapter 390, F.S.

(b) Assisted living facilities licensed under Part I ~~III~~, Chapter ~~429~~ 400, F.S.

(c) Ambulatory surgical centers licensed under Part I, Chapter 395, F.S.

(d) Birthing centers licensed under Chapter 383, F.S.

(e) Clinical laboratories licensed under Part I, Chapter 483, F.S., except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under Section 483.035, F.S.

(f) Health maintenance organizations certified under Part I, Chapter 641 and prepaid health clinics certified under Part II ~~III~~, Chapter 641, F.S.

(g) Home health agencies licensed under Part III ~~IV~~, Chapter 400, F.S.

(h) Hospices licensed under Part ~~IV~~ ~~VI~~, Chapter 400, F.S.

(i) Hospitals licensed under Part I, Chapter 395, F.S.

(j) Intermediate care facilities for developmentally disabled persons licensed under Part VIII ~~XI~~, Chapter 400, F.S.

(k) Nursing homes licensed under Part II, Chapter 400, F.S.

(l) Multiphasic testing centers licensed under Part II, Chapter 483, F.S.

(m) Health care clinics licensed under Part X ~~XIII~~, Chapter 400, F.S.

(2) Health Care Facilities Exempted from Fee Assessments. Facilities operated by the Department of Children and Family Services, the Department of Health or the Department of Corrections, and any hospital which meets the definition of a rural hospital pursuant to Section 395.602, F.S., are exempted from the health care facility assessment.

(3) Health Care Facility Assessments. The annual fee amount for each health care facility and health care service provider regulated under this rule is as follows: shall be established annually by the agency.

(a) Hospitals, nursing homes, and assisted living facilities shall be assessed a fee according to the following per bed charges:

1. Hospitals shall be assessed an annual fee of \$2 per bed not to exceed a total of \$500 per facility ~~based on a bed inventory established by the agency as of July 1 of each year.~~

2. Nursing homes shall be assessed an annual fee of \$2 per bed not to exceed a total of \$500 per facility ~~based on a bed inventory established by the agency as of July 1 of each year.~~

3. Assisted living facilities shall be assessed an annual fee of \$1 per bed not to exceed \$150 per facility based on a bed inventory established by the agency as of July 1 of each year.

(b) Other health care facilities subject to a health care facility assessment, as specified in paragraphs (1)(a), (c), (d), (e), (f), (g), (h), (j), (l) and (m), shall be assessed an annual fee of \$150.

(4) Prospective Billing and Collection and Biennial Billing Process. Beginning July 1, 2013, the agency shall bill each regulated facility not later than August 10 of each year. The agency shall collect annually, by September 1 of each year, an assessment from all facilities listed in paragraphs (1)(a) through (m) in accordance with the fee schedule specified in paragraphs (3)(a) and (3)(b) shall be collected prospectively for a two year (biennial) period. The biennial period equals two annual assessments (Minimum Annual Assessment x 2) calculated based on the annual fee schedule specified in paragraphs (3)(a) and (3)(b).

(a) Transition to biennial billing – Facilities shall be billed a prorated assessment from July 1, 2013 through the license renewal date. The assessments billed under this subsection will be due September 1, 2013. All subsequent assessments shall be billed at the time of renewal as described in subparagraph b. below.

(b) For Renewal applications, the biennial assessment shall be calculated at the time of the licensure renewal and shall be due at the time of filing of the renewal application.

(c) For Initial and Change of Ownership applications, the biennial assessment shall be calculated at the time the license is issued. The assessment shall be due within 21 days of issuance of the license.

(5) Delinquent Account. The health care facility assessment is considered delinquent when the assessment is not received by the agency within the due dates specified in subsection (4) 45 calendar days after September 1 of each year. A facility which refuses to pay the fee or fine is subject to the forfeiture of its license.

(6) Notification of Delinquency. The agency shall send, ~~by certified mail,~~ delinquency notices, not later than 10 days ~~following prior to the delinquency date, indicating when the assessment will become delinquent. Second notices will be sent 30 after the date of the first notice. Delinquent accounts will be sent to a collection agency 30 days following the date of the second notice.~~

(7) Penalties. In accordance with Section 408.033(2)(e), F.S., the agency shall impose a fine of \$100 per day, not to exceed the total annual assessment amount of \$150 and \$500, after the assessment becomes delinquent as specified in subsection (5). Refusal by a health care facility to pay the annual assessment or fine shall result in forfeiture procedures. Refusal of payment is defined as non-payment by the provider of the assessment or fine within 30 60 days following the date of the second of receipt of the delinquency notice.

(8) Dishonored Checks. The agency shall assess a service charge for each returned check of five percent of the face value of the check or \$15, whichever is greater.

Rulemaking Specific Authority 408.033(2), 408.034(6), 408.15(8) FS. Law Implemented 215.34(2), 408.033(2) FS. History—New 12-7-88, Amended 11-29-89, 12-5-90, 8-19-91, Formerly 10-5.022, Amended 6-16-05, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.240
RULE TITLE: Portable X-Ray Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.240, F.A.C., is to incorporate by reference the Florida Medicaid Portable X-Ray Services Coverage and Limitations Handbook, December 2012. The handbook provides coverage of portable x-ray setup and incorporates a fee schedule. It includes portable x-ray provider qualifications, enrollment requirements, and services coverage and limitations.

SUBJECT AREA TO BE ADDRESSED: Portable X-Ray Services.

An additional area to be addressed during the workshop will be the potential regulatory impact the amendment to Rule 59G-4.240, F.A.C., will have as provided for under sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, October 16, 2012, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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: Carol Roberts at the Bureau of Medicaid Services, (850)412-4214. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Roberts, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4214, e-mail: carol.roberts@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.240 Portable X-Ray Services.

(1) This rule applies to all suppliers of portable x-ray services enrolled in the Medicaid program.

(2) All portable x-ray providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Portable X-ray Services Coverage and Limitations Handbook, December 2012, October 2003, updated January 2005, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The handbook is available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Provider Support and then Handbooks. A paper copy of the handbook may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7. Both handbooks are available from the Medicaid fiscal agent.~~

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913 FS. History—New 10-11-81, Formerly 10C-7.411, Amended 7-1-92, Formerly 10C-7.0411, Amended 5-16-94, 1-9-96, 10-20-96, 8-27-97, 3-22-00, 2-14-02, 6-1-03, 8-5-03, 3-15-04, 8-18-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002
 RULE TITLE: Salon Requirements

PURPOSE AND EFFECT: The Board proposes to review the rule to clarify and update infection control language to more current standards.

SUBJECT AREA TO BE ADDRESSED: Infection control.

RULEMAKING AUTHORITY: 477.013(6) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-31.004
 RULE TITLE: Hair Braiding, Hair Wrapping and Body Wrapping Course Requirements

PURPOSE AND EFFECT: The Board proposes to review the rule to modify language to clarify and to bring into current usage and practice provisions of the rule relating to the education of the individual on matters addressed by the rule.

SUBJECT AREA TO BE ADDRESSED: Hair braiding, hair wrapping, and body wrapping course requirements.

RULEMAKING AUTHORITY: 477.0132, 477.016 FS., Chapter 99-251, Laws of Florida.

LAW IMPLEMENTED: 477.0132 FS., Chapter 99-251, Laws of Florida

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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-17.211	Modification of Certification, Criteria-change Modifications, Transfer of Ownership
62-17.680	Modification of Certification

PURPOSE AND EFFECT: This is a rulemaking effort to allow electronic submittal of data by removing requirements that data in support of modifications under the Power Plant and Transmission Line Siting Acts be submitted on paper.

SUBJECT AREA TO BE ADDRESSED: The Department is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort the Department is amending these rules regarding modifications under the Power Plant and Transmission Line Siting Acts to allow the submission of electronic data.

RULEMAKING AUTHORITY: 403.504(1), 403.523(1) FS.

LAW IMPLEMENTED: 403.5115, 403.516, 403.5315 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: October 10, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Room 170, Carr Building, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000

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: Susana Garcia at (850)245-2005 or susana.garcia@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: Susana Garcia at (850)245-2005 or susana.garcia@dep.state.fl.us THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.100 **RULE TITLE:** Purpose
PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Northwest Florida Water Management District and Department of Environmental Protection into Rule 62-113.100, F.A.C. Rule 62-346, F.A.C., currently incorporates the agreement, but will be affected by the Department’s Statewide Environmental Resource Permitting rulemaking, including potential repeal, and Rule 62-113, F.A.C., is the Department’s rule for listing all similar agreements.
SUBJECT AREA TO BE ADDRESSED: Incorporation of interagency agreements.
RULEMAKING AUTHORITY: 373.043, 373.046, 373.4145, 373.418, 373.441, 403.061 FS.
LAW IMPLEMENTED: 373.026, 373.046, 373.109, 373.4145, 373.441, 403.061, 403.182 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: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us. (OGC #12-1416)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 62-113.100 Purpose.
- (1) through (2) No change.
- (3) No change.
- (a) through (z) No change.
- (aa) #10-1: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., Between Northwest Florida Water Management District and Department of Environmental

Protection.” which is hereby incorporated by reference, effective date November 1, 2010 (<http://www.flrules.org/Gateway/reference>).

Rulemaking Authority 373.043, 373.046, 373.4145, 373.418, 373.441, 403.061 FS. Law Implemented 373.026, 373.046, 373.109, 373.4145, 373.441, 403.061, 403.182 FS. History–New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, 7-1-07, 12-26-07, 2-9-12,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-343.070 **RULE TITLE:** Procedures to Obtain a Permit
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for environmental resource permits.
SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.
RULEMAKING AUTHORITY: 120.54(5)(a), 373.026(7), 373.043, 373.118, 373.414, 373.418, 403.0877 FS.
LAW IMPLEMENTED: 373.026(7), 373.109, 373.413, 373.414, 373.4141, 373.416, 373.426, 403.9328 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: 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 or facsimile (850)245-8499. (OGC No. 12-1445)
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 62-343.070 Procedures to Obtain a Permit.
- (1) through (2) No change.
- (3) All applications and supporting documents that are submitted to the Department in accordance with this section shall include ~~five copies, one of which contains~~ original signatures.
- (4) through (11) No change.

Rulemaking Specific Authority 120.54(5)(a), 373.026(7), 373.043, 373.118, 373.414, 373.418, 403.0877 FS. Law Implemented 373.026(7), 373.109, 373.413, 373.414, 373.4141, 373.416, 373.426, 403.9328 FS. History—New 7-4-95, Amended 8-14-96,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-344.400
RULE TITLE: Content of Petition for Delegation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic permit applications and supporting material for petitions to request delegation of part or all of a permit program.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications.

RULEMAKING AUTHORITY: 373.441(1) FS.

LAW IMPLEMENTED: 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: 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 or facsimile (850)245-8499. (OGC No. 12-1446)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-344.400 Content of Petition for Delegation.

(1) through (2) No change.

(3) One ~~original, and one electronic~~ copy, of the information requested in subsections 62-344.400(1) and (2), F.A.C., must be submitted ~~in bound volumes on 8 1/2 inch by 11 inch sized paper~~ with each category of information requested above clearly labeled.

(4) No change.

Rulemaking Authority 373.441(1) FS. Law Implemented 373.441 FS. History—New 8-29-95, Amended 8-7-12,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-346.070
RULE TITLES: Procedures to Prepare Applications and Notices for Permits, Water Quality Certification, Coastal Zone Consistency Concurrence, and to Request Verification of Qualification for an Exemption
62-346.080 Submittal of Applications and Notices for Permits and Petitions for Formal Determinations to Department and NFWFMD Offices

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for permits, water quality certification, Coastal Zone Consistency Concurrence, to Request Verification of Qualification for an Exemption, and Permits and Petitions for Formal Determinations to Department and NFWFMD Offices.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications.

RULEMAKING AUTHORITY: 373.026, 373.026(7), 373.043, 373.044, 373.118, 373.4145, 373.418, 403.0877, 403.805(1) FS.

LAW IMPLEMENTED: 373.026, 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4141, 373.4145, 373.416, 373.426, 373.428, 403.0877 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: 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 or facsimile (850)245-8499. (OGC No. 12-1447)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-346.070 Procedures to Prepare Applications and Notices for Permits, Water Quality Certification, Costal Zone Consistency Concurrence, and to Request Verification of Qualification for an Exemption.

(1) No change.

(2)(a)1. Applications to the Department for individual permits must contain ~~one original of the completed application~~ with original signatures on Section A; location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity; plans and drawings, calculations, environmental information, and other details requested in the application that depict and describe the design, nature, scope, limits, intent, and functioning of the proposed activities; ~~one paper copy of all the above~~; and the fee as required by Rule 62-346.071, F.A.C.

2. No change.

(b)1. The notice to the Department must contain ~~one original of the completed notice~~ with original signatures; ~~one copy of the completed notice~~; location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity; two sets of plans and drawings, calculations, environmental information, and other details required in the noticed general permit that depict and describe the design, nature, scope, limits, intent, and functioning of the proposed activities; and the notice fee required by Rule 62-346.071, F.A.C.

2. No change.

(c) No change.

(3) through (9) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4145, 373.418, 403.0877, 403.805(1) FS. Law Implemented 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4141, 373.4145, 373.416, 373.426, 373.428, 403.0877 FS. History—New 10-1-07, Amended 11-1-10,_____.

62-346.080 Submittal of Applications and Notices for Permits and Petitions for Formal Determinations to Department and NFWFMD Offices.

(1) Petitions for formal determinations of the landward extent of wetlands and other surface waters shall be submitted as specified in Rule 62-330.201, F.A.C. ~~Rule 62-343.040, F.A.C.~~

(2) All applications and notices for environmental resource permits, variances, and other authorizations required under this chapter that are the responsibility of the Department under the Operating Agreement, except for activities as specified in paragraphs (a) through (d) and subsection (5) below, shall be submitted to the district or branch office of the Department that has geographical jurisdiction over the location where the activity is to occur, as described in section 1.2 of Applicant’s Handbook Volume I. For purposes of this subsection, the term “Department” does not include the NFWFMD. ~~At this time, the Department does not accept~~

~~applications for permits submitted electronically, although such electronically prepared applications may accompany the paper copies required in Rule 62-346.070, F.A.C.~~ The following activities shall be submitted to the Department office specified below:

(3) through (5) No change.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4145, 373.418, 403.0877, 403.805(1) FS. Law Implemented 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4141, 373.4145, 373.416, 373.426, 373.428, 403.0877 FS. History—New 10-1-07, Amended 11-1-10,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-673.320
 RULE TITLE: Permitting of Phosphogypsum Stack Systems

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for phosphogypsum stack systems.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications.

RULEMAKING AUTHORITY: 403.061, 403.4154, 403.704 FS.

LAW IMPLEMENTED: 403.4154, 403.707 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: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us. or facsimile (850)245-2297. (OGC No. 12-1444)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-673.320 Permitting of Phosphogypsum Stack Systems.

(1) No change.

(2) Permit application. The person making application for a permit for a phosphogypsum stack system shall submit to the respective Department district office having jurisdiction where the facility is located a copy of the minimum of four copies ~~each of a~~ permit application, engineering plans, and all supporting data and reports for the proposed construction, operation, or closure of the facility prepared by a professional engineer registered in the State of Florida in accordance with provisions of Chapter 471, F.S. Said engineer or another

registered professional engineer shall be required to make periodic inspections during construction of the facility to ensure that design integrity is maintained.

(3) through (6) No change.

Rulemaking Specific Authority 403.061, 403.4154, 403.704 FS. Law Implemented 403.4154, 403.707 FS. History—New 3-25-93, Formerly 17-673.320, Amended 1-16-97, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.: 62B-56.050
 RULE TITLE: Permit Application Requirements and Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic permit applications and supporting material for permits to construct sand-filled geotextile dune cores.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications.

RULEMAKING AUTHORITY: 161.053(21), 161.0535, 161.085(5) FS.

LAW IMPLEMENTED: 120.60, 161.053(2), (3), (5), 161.085(9) 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: October 9, 2012, 1:30 p.m.
 PLACE: Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 4708 Capital Circle N.W., Tallahassee, Florida 32303

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: West Gregory, (850)245-2542, west.gregory@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 IS: West Gregory, (850)245-2542, west.gregory@dep.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62B-56.050 Permit Application Requirements and Procedures.

(1) To apply for a construction and maintenance permit under this chapter, the applicant shall submit ~~one signed original and two paper copies~~ of the application form and supporting documents, ~~plus one electronic copy of the same~~, to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, using Form 62B-56.900(1), entitled “Permit Application for Construction and Maintenance of a Reconstructed Dune” (effective 6-22-09), which is incorporated by reference. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, MS 300, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000 or at the following web site: www.dep.state.fl.us/beaches.

(2) No change.

(3)(a) through (f) No change.

(g) Information concerning impacts to natural plant communities and nesting state or federally threatened or endangered species, including:

1. ~~Two copies of Aa~~ biological assessment of habitat quality of natural plant communities and potential nesting state or federally threatened or endangered species whose range includes the subject property, using Form 62B-56.900(4), entitled “Biological Assessment” (effective 6-22-09), which is incorporated by reference. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, MS 300, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000 or at the following web site: www.dep.state.fl.us/beaches.

2. ~~One copy of Aa~~ any existing Incidental Take Permit from the U.S. Fish and Wildlife Service.

(h) No change.

(i) ~~Two original copies of Aa~~ signed and sealed survey of the subject property. The information depicted on the drawing shall be from a field survey conducted not more than six months prior to the date of the application. The survey shall comply with the requirements given in Rule 62B-56.080, F.A.C.

(j) ~~Two copies of Aa~~ dimensioned site plan. The drawings shall be signed and sealed by a professional engineer licensed in the State of Florida. The site plan shall include:

1. through 9. No change.

(k) ~~Two copies of Aa~~ dimensioned grading plan including any dune and vegetation protection, clearing, demolition, grading, excavation, and fill activities. The drawings shall be signed and sealed by a professional engineer licensed in the State of Florida. The grading plan shall include the location and distances of all proposed structures on the subject and adjacent properties, and the following:

1. through 5. No change.

6. ~~Two copies of~~ Form 62B-56.900(3), F.A.C., entitled “Sand Quality Assurance/Quality Control (QA/QC) Plan” (effective 6-22-09), which is incorporated by reference. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, MS 300, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000 or at the following web site: www.dep.state.fl.us/beaches. The QA/QC plan shall detail measures for testing, screening, handling, monitoring and remediation of all excavated or filled material and shall include mechanisms to ensure that only beach compatible sand is placed on the project site; and

7. No change.

(l) ~~Two copies of~~ Dimensioned cross-sections. The drawings shall be signed and sealed by a professional engineer licensed in the State of Florida. The cross-sections shall include a typical view from the mean high water line to the CCCL depicting all structures and elevations, proposed and existing grades, subgrade construction, excavation, and fill.

(m) ~~Two copies of~~ Detailed final construction plans and specifications for the reconstructed dune and fill material. These documents shall be signed and sealed by a professional engineer licensed in the State of Florida.

(n) No change.

(o) ~~Two copies of~~ Detailed dune planting and maintenance plans, including the plant species and locations of existing native beach-dune vegetation, plants to be removed and proposed plants. Plans shall include a plant list with both scientific and common names. Plans shall include any structures to be constructed within the dune area, including sand fences, irrigation systems and beach access.

(p) ~~Two copies of a~~ Dimensioned site plan drawn to an appropriate scale, ~~in on~~ 8 1/2 by 11 inch size format paper showing property boundaries, the location of the proposed structure(s), the proposed construction limits, the location and volume of any proposed excavation or fill, and the locations of roads, adjacent dwellings, the vegetation line, and the approximate mean high water line; and

(q) ~~Two copies of~~ Dimensioned cross-sections drawn to an appropriate scale, ~~in on~~ 8 1/2 by 11 inch format paper, showing:

1. through 4. No change.

(4) through (9) No change.

Rulemaking Authority 161.053(21), 161.0535, 161.085(5) FS. Law Implemented 120.60, 161.053(2), (3), (5), 161.085(9) FS. History—New 6-22-09, Amended.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NO.: 62C-17.009
 RULE TITLE: Applications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for authorizations associated with phosphate reclamation.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 378.021, 378.034, 378.038, 370.021 FS.

LAW IMPLEMENTED: 378.021, 378.034 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: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us or facsimile (850)245-2297. (OGC No. 12-1448)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62C-17.009 Applications.

(1) through (7) No change.

(8) Applications shall be made on forms provided by the Bureau. The Landowner shall submit a copy ~~three (3) copies~~ of the completed application, which shall include all the information, certifications, aerial photographs, drawings, and reports certified by an engineer and/or surveyor registered to practice in the State of Florida, as applicable. Each application shall be signed and bear the seal of an engineer registered to practice in the State of Florida, except those applications involving only donation or purchase of nonmandatory lands. Form DEP 53-011(16) “Reclamation Program Application” is incorporated by reference into this rule effective April 1990. Copies of the form may be obtained from the Bureau.

(9) through (19) No change.

Rulemaking Specific Authority 378.021, 378.034, 378.038, 370.021 FS. Law Implemented 378.021, 378.034 FS. History—New 3-24-84, Amended 1-10-85, 12-3-85, Formerly 16C-17.09, Amended 6-13-91, Formerly 16C-17.009, Amended.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NO.: 62C-26.007
 RULE TITLE: Geophysical Applications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for oil and gas drilling related authorizations.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 373.441(1) FS.

LAW IMPLEMENTED: 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us or facsimile (850)245-2297. (OGC No. 12-1449)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62C-26.007 Geophysical Applications.

(1) through (2) No change.

(3)(a) Two plat maps: a detailed plat map (~~15 copies~~) showing the location of lines along which geophysical operations are to be conducted, and a generalized plat map (~~30 copies~~) for public distribution showing the general vicinity of the geophysical program. Permittees shall use Florida DOT county road maps (1 inch = 2 miles) for local exploratory programs and USGS topographic maps (1:250,000 or 500,000) for regional geophysical programs conducted on road rights-of-way. Symbols used for survey lines on highway rights-of-way shall be different from those used for offroad survey lines. Plat maps are to be accompanied by a copy & ~~copies~~ of a complete, detailed plan of operations for all work to be done, including personnel, equipment, energy sources, use of explosives, restoration activities, etc.

(b) No change.

(4) through (9) No change.

Rulemaking Specific Authority 377.021(1), 377.22, 377.242 FS. Law Implemented 377.22, 377.2408, 377.2409, 377.242, 377.2424, 377.2426 FS. History–New 5-10-84, Amended 4-23-85, Formerly 16C-26.07, Amended 12-23-86, 6-4-89, 5-12-93, Formerly 16C-26.007, Amended 3-24-96_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NO.: RULE TITLE:

62C-27.001 General

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for oil and gas drilling related authorizations.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 377.22 FS.

LAW IMPLEMENTED: 377.22 FS.

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 days before the workshop/meeting by contacting: Hillary Powell, (850)245-2248, hillary.powell@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 IS: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us. or facsimile (850)245-2297. (OGC No. 12-1450)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62C-27.001 General.

(1) through (2) No change.

(3) Reporting Requirements. The operator shall submit ~~post-paid~~ to the Department a Well Record (Form 8), abbreviated driller’s log, a cut of all samples and cores taken, ~~a two~~ complete ~~set sets~~ of all well logs, a mud log, and a core or sample analysis report, if made.

(4) through (7) No change.

Rulemaking Specific Authority 377.22 FS. Law Implemented 377.22 FS. History–New 11-26-81, Formerly 16C-27.01, Repromulgated 5-12-93, Formerly 16C-27.001, Amended 3-24-96_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Resource Management

RULE NOS.: RULE TITLES:

62C-36.004 Document Format and Standards

62C-36.011 Reports

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material for authorizations associated with limestone reclamation.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 378.404, 378.501 FS.

LAW IMPLEMENTED: 378.404, 378.404(1), (2), 378.501 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: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us or facsimile (850)245-2297. (OGC No. 12-1451)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62C-36.004 Document Format and Standards.

(1) All notices, conceptual plans, conceptual plan changes, and reports shall be submitted using the forms incorporated by reference in Rule 62C-36.014, F.A.C. Standardized forms are needed to assure that all requests that require agency action are handled in an efficient and expeditious manner. Additional pages needed to complete each form shall conform to the standards in this section. The operator shall submit a copy ~~three copies~~ of each form and its attachments.

(2) through (6) No change.

Rulemaking Specific Authority 378.404, 378.501 FS. Law Implemented 378.404(1), (2), 378.501 FS. History–New 7-16-87, Formerly 16C-36.004, Amended.

62C-36.011 Reports.

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

(g) A map that illustrates paragraphs (b) through (f), above. To the extent possible, maps submitted with the second and each successive report shall include the information shown on maps submitted with previous reports. Maps submitted on paper ~~The maps~~ may be drawn on plain paper or an aerial photograph facsimile and shall meet the document standards in Rule 62C-36.004, F.A.C.

(h) No change.

(2) through (3) No change.

Rulemaking Specific Authority 378.404 FS. Law Implemented 378.404 FS. History–New 7-16-87, Formerly 16C-36.011, Amended.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-7.0015

RULE TITLE: Continuing Education Requirement

64B1-7.0015

Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the requirements for continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

RULEMAKING AUTHORITY: 456.013, 457.104, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 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 Acupuncture/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 Chiropractic

RULE NO.: 64B2-11.001

RULE TITLE: Application for Licensure Examination

64B2-11.001

Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate an updated application form.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 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 Chiropractic Medicine, 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 Chiropractic

RULE NO.: 64B2-12.0155 RULE TITLE: Fee for Registered Chiropractic Assistants

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate an updated version of the application form.

SUBJECT AREA TO BE ADDRESSED: Fee for Registered Chiropractic Assistants.

RULEMAKING AUTHORITY: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 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 Chiropractic Medicine, 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 Chiropractic

RULE NO.: 64B2-12.022 RULE TITLE: Medical Faculty Certificate Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form into the rule.

SUBJECT AREA TO BE ADDRESSED: Medical Faculty Certificate Fees.

RULEMAKING AUTHORITY: 456.013(2), 460.405, 460.4062(1), (3) FS.

LAW IMPLEMENTED: 456.013(2), 460.4062(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: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 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 Chiropractic

RULE NO.: 64B2-18.002 RULE TITLE: Application for Certification as a Chiropractic Physician's Assistant

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate an updated application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Certification as a Chiropractic Physician's Assistant.

RULEMAKING AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3), (5), (6), (9) 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 Chiropractic Medicine, 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 Dentistry

RULE NO.: 64B5-2.014 RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry

RULE NO.: 64B5-2.0142 RULE TITLE: Application for Health Access Dental License

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Application for Health Access Dental License.

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.0067 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry

RULE NO.: 64B5-2.0144 RULE TITLE: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

RULEMAKING AUTHORITY: 466.004, 466.007 FS.

LAW IMPLEMENTED: 466.007 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: Susan Foster, Executive Director, Board of Dentistry/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 Dentistry

RULE NO.: 64B5-2.0146 RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004(4), 466.006(3) FS.

LAW IMPLEMENTED: 466.006 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: Susan Foster, Executive Director, Board of Dentistry/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

Economic Self-Sufficiency Program

RULE NO.: 65A-1.203 RULE TITLE: Administrative Definitions

PURPOSE AND EFFECT: The proposed rule adds a definition for the term "mail". The proposed rule also deletes unnecessary definitions from rule Chapter 65A and modifies other terms and phrases used in rule Chapter 65A. The effect of these changes will be to expand the resources available to the Department and the public assistance client to transmit or

deliver important public assistance information and materials. And, the proposed amendments will synchronize the public assistance policies with public assistance programs operations. SUBJECT AREA TO BE ADDRESSED: The definitions used in the public assistance programs.

RULEMAKING AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 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: October 5, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.042	Third-Party Voter Registration Organizations

PURPOSE AND EFFECT: To revise the procedures used by third-party voter registration organizations and election officials to align them with a federal court decision concerning the law which the rule implements.

SUMMARY: The proposed rule restricts the registration requirement to only those organizations who actually collect voter registration applications from voters; eliminates the organization's registration agent sworn statement form, DS-DE 120; deletes the requirement for an organization to list its volunteer registration agents on the registration form, DS-DE 119; deletes the requirement for an organization to file a

monthly report, DS-DE 123, accounting for voter registration applications; changes the time period from 48 hours to 10 days for the organization to deliver a completed voter registration application to the Division or to a supervisor of elections' office after an applicant delivers the application to the organization; and further refines the procedures for supervisors of elections regarding untimely filed voter registration applications and the procedures for the Secretary of State's referral of a violation to Florida's Attorney General.

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.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rule will not require legislative ratification pursuant to Section 120.541(3), F.S., because the rule applies only to election-related activities. Based upon past experiences with rules of this nature, this rule will not have an adverse effect on businesses or private-sector economic growth, job-creation, employment or investment; nor will it increase regulatory costs in excess of the threshold mandating legislative ratification. No other statute requires legislative ratification for 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: 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS.

LAW IMPLEMENTED: 97.012(1), (2), (15), 97.021 (37), 97.053, 97.0575 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 15, 2012, 10:00 a.m.

PLACE: Room 307, R.A. Gray Building, Department of State, 500 S. Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gary J. Holland, Assistant General Counsel, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, telephone: (850)245-6536, e-mail: gary.holland@dos.myflorida.com. If you are hearing or