

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Scope and Applicability	4-149.002
Definitions	4-149.0025
Rate Filing Procedures	4-149.003
Experience Records	4-149.004
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum	4-149.006
Annual Rate Certification Filing Procedures	4-149.007
Form Filing Procedures	4-149.021
Calculation of Premium Rates	4-149.037

PURPOSE AND EFFECT: The rules are being amended to update the filing standards for life and health filings and to update the standards applicable to health rate schedules.

SUBJECT AREA TO BE ADDRESSED: Filing standards for life and health filings and standards applicable to health rate schedules.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.410(6)(b),(e), 627.6699(16) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307, 624.307(1), 625.121, 626.9541(1), 627.402, 627.410, 627.410(1),(2), (6),(d),(e),(7), 627.411(1)(a),(e),(2), 627.476, 627.6515(2)(a), 627.6699, 627.6699(6),(12)(e),(13),(13)(i), 627.807, 627.9175 FS.

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

TIME AND DATE: 2:00 p.m., July 16, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Dinof@dfs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

DEPARTMENT OF TRANSPORTATION

Commercial Motor Vehicle Review Board

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Commercial Motor Vehicle Review Board	14A-1
RULE TITLES:	RULE NOS.:
Powers	14A-1.001
Organization	14A-1.002
Officers and Staff	14A-1.003
Meetings of the Commercial Motor Vehicle Review Board	14A-1.004
Public Notice of Meetings	14A-1.005
Agendas	14A-1.006
Timely Written Request for Meeting	14A-1.007
Appearances	14A-1.008
Records	14A-1.009
Continuances	14A-1.010
Decisions	14A-1.011
Rehearings	14A-1.012
Administrative Hearings	14A-1.013

PURPOSE AND EFFECT: Rule Chapter 14A-1, F.A.C., is significantly amended to repeal 12 existing rules and amend one rule. The bulk of the rules are being repealed because they duplicate the Uniform Rules of Procedure. Because of the repeal of the procedural rules, the chapter title is changed to "Commercial Motor Vehicle Review Board." Also, redundant provisions for administrative hearing rights beyond appearance before the Commercial Motor Vehicle Review Board are being eliminated.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14A-1, F.A.C., is amended to repeal 12 rules and to amend one rule. Because of the repeal of the procedural rules, the chapter title is changed to "Commercial Motor Vehicle Review Board."

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 120.569, 120.57(1), 316.545 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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

COMMERCIAL MOTOR VEHICLE REVIEW BOARD POWERS, ORGANIZATION, OFFICERS, DUTIES, STAFF, AGENDA, ADMINISTRATIVE STAFF, AND RULES OF PROCEDURE

14A-1.001 Powers.

Specific Authority 334.044(2) FS. Law Implemented 316.3025, 316.540, 316.545 FS. History--New 1-1-75, Formerly 14A-1.01, Amended 4-26-89, 8-5-96, Repealed _____.

14A-1.002 Organization.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.003 Officers and Staff.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.004 Meetings of the Commercial Motor Vehicle Review Board.

(1) The Commercial Motor Review Board (Review Board) meetings shall be scheduled as often as necessary, based upon a sufficient number of requests for review to justify the expense of holding a meeting, but in no case shall there be less than six meetings a year.

(a) The Review Board shall sit as an administrative body in equity to consider testimony or other evidence which supports written documents in mitigation, extenuation, modification, cancellation, or revocation, or maintenance of any penalty or penalties imposed pursuant to Section 316.540, 316.545; or 316.3025, Florida Statutes. Only penalties which have been paid or for which a Section 316.545, bond has been posted, will be considered by the Review Board. However, this provision shall not prevent the owner of a motor vehicle that has been impounded for nonpayment from receiving a Review Board hearing. Provision for Further, as provided in Rule 14-108.004, a motor carrier may obtain a Review Board hearing on penalties assessed as a result of a compliance review terminal audit prior to payment is found in Rule Chapter 14-108, F.A.C or posting of a bond.

(b)(1) Review Board meetings may be scheduled as often as determined necessary, based on a sufficient number of penalties being available for review to justify the expense of holding a meeting. The Review Board shall meet not less than six times per year. The location of each meetings shall be determined by the Review Board. Any person may request that the review of his or her case be held at a specific city at which the Review Board regularly meets. For their convenience, any Upon timely written request, cases involving Florida based persons may request to be heard will be scheduled at the next meeting held in their geographic area of the state in which their principal place of business is located. Any person may also request to be heard at the next meeting of the Review Board,

regardless of geographic area. However, cases involving requests for Review Board consideration of unpaid penalties imposed for violations found during a terminal audit will be scheduled for the next meeting, regardless of location. Upon timely written request, cases involving non-Florida based persons will be scheduled at the next meeting of the Review Board. Persons may request the scheduling of their case at a specific city at which the Review Board meets. These Such requests must be made in writing and be received by to the Commercial Motor Vehicle Review Board no less than 14 days prior to the scheduled meeting, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

(2) All meetings and records shall be open to the public and shall be in compliance with Section 286.011, Florida Statutes.

(c) Notwithstanding Section (b) above, cases involving requests for Review Board consideration of unpaid penalties imposed for violations found during a compliance revies will be heard at the next meeting, regardless of location.

(2) Agendas. The Chair of the Review Board shall be responsible for the preparation and distribution of agenda items to be considered at the meeting, and the time and place of such meeting, to Review Board members at least 14 days prior to the meeting.

(a) Changes may be made to the order or content of the agenda by the Chair of the Review Board after it has been made available for distribution, for good cause and as stated in the record.

(b) Copies of the agenda may be obtained from the Review Board, upon verbal or written request received at least seven days prior to the scheduled meeting.

(3) Timely Written Request for Hearing. Any person who wishes to have a penalty which was issued pursuant to Section 316.3025 or 316.545, Florida Statutes, considered by the Review Board shall file a written request for an appearance before the Review Board. The request must be received by the Review Board no later than 60 days after the date on the Notice of Violation.

(4) Appearances. Persons, firms, or corporations assessed a penalty for violations of Section 316.3025 or 316.545, Florida Statutes, that have complied with all applicable requirements of this rule shall appear in person, through an authorized representative, or through legal counsel.

(a) Persons requesting a review, who will not be present or represented at the meeting, shall submit evidence or arguments which the person wishes to have considered no less than 14 days prior to the scheduled meeting.

(b) The Review Board shall sustain all penalties imposed where no testimony, written evidence, other evidence, or arguments are presented by the person requesting an appearance before the Review Board.

(5) Records. Meetings of the Review Board shall be stenographically or mechanically recorded and shall be preserved for the period required by the Division of Library and Information Services, Department of State.

(6) Continuances. Requests for continuances by any person shall be in writing and received by the Review Board, at least seven days prior to the scheduled meeting. The Review Board, at its discretion shall grant continuances for good cause shown.

(7) Decisions. The Review Board shall render its decision within 30 days after the hearing and shall notify the person of its decision in writing. The written notice of the Review Board's decision shall contain a statement that the decision is final. A rehearing may be requested if additional evidence is presented pursuant to a request by the Review Board.

Specific Authority 334.044(2) FS. Law Implemented 120.525, 286.011, 316.3025, 316.545 FS. History--New 4-26-89, Amended 8-5-96, _____.

14A-1.005 Public Notice of Meetings.

Specific Authority 334.044(2) FS. Law Implemented 286.0105, 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.006 Agendas.

Specific Authority 120.53(1)(d), 334.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.007 Timely Written Request for Meeting.

Specific Authority 120.53(1)(b), 334.044(2) FS. Law Implemented 316.3025, 316.545(7) FS. History--New 4-26-89, Amended 8-5-96, Repealed _____.

14A-1.008 Appearances.

Specific Authority 120.53(1)(b), 334.044(2) FS. Law Implemented 316.3025, 316.540, 316.545(4)(c),(7),(8) FS. History--New 4-26-89, Amended 8-5-96, Repealed _____.

14A-1.009 Records.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 286.011, 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.010 Continuances.

Specific Authority 120.53(1)(b), 316.3025, 344.044(2) FS. Law Implemented 316.545(7) FS. History--New 4-26-89, Repealed _____.

14A-1.011 Decisions.

Specific Authority 334.044(2) FS. Law Implemented 316.3025, 316.545(8) FS. History--New 4-26-89, Amended 8-5-96, Repealed _____.

14A-1.012 Rehearings.

Specific Authority 316.3025, 334.044(2) FS. Law Implemented 316.3025, 316.545(8) FS. History--New 4-26-89, Repealed _____.

14A-1.013 Administrative Hearings.

Specific Authority 334.044(2) FS. Law Implemented 120.569, 120.57(1), 316.545 FS. History--New 4-26-89, Amended 8-5-96, 1-17-99, Repealed _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Tobacco Products
 RULE NO.: 33-401.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the Department's smoking and tobacco use policies in accordance with recent amendments to the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Smoking and use of tobacco products.

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.401 Use of Tobacco Products.

(1) This rule establishes the tobacco products use policy for the Department of Corrections. For the purposes of this rule, "tobacco products" means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use.

(2)(a) Pursuant to section 944.115, F.S., ~~u~~Use of any tobacco products shall be prohibited in all indoor areas of any building or office within a state correctional facility ~~owned, leased or wholly occupied by the Department of Corrections~~ except for employee housing on department grounds and inmate maximum security (death row) housing areas. Only unlighted tobacco product use shall be permitted in death row housing.

(b) Pursuant to Section 386.204, F.S., smoking is prohibited in all enclosed indoor workplaces as defined in Section 386.203, F.S.

(3) Should Department of Corrections' offices be located in buildings not totally in the control of the department, ~~smoking use of tobacco products shall be prohibited in all enclosed indoor workplaces indoor areas~~ occupied or controlled by the department. ~~Employees may use tobacco products in those indoor areas which have been legally designated as smoking areas by other occupants of the building.~~ Employees may not smoke in areas which do not fully meet the requirements of the Florida Indoor Clean Air Act, Sections 386.201-209, F.S.

(4) through (7) No change.

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History—New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Interstate Corrections Compact
 RULE NO.: 33-601.401
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove unnecessary language from the rule.
 SUBJECT AREA TO BE ADDRESSED: Interstate corrections compact.

SPECIFIC AUTHORITY: 941.57, 944.09 FS.
 LAW IMPLEMENTED: 941.55, 941.56, 941.57 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.401 Interstate Corrections Compact.
 (1) No change.
~~(2) A current list of states that are parties to the Interstate Corrections Compact and copies of contracts with individual party states may be obtained by writing the Interstate Corrections Compact Administrator, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. A list of party states is also published in Florida Statutes Annotated (West Publishing Co.) at Section 941.55.~~

(3) through (6) renumbered (2) through (5) No change.

Specific Authority 941.57, 944.09 FS. Law Implemented 941.55, 941.56, 941.57 FS. History—New 7-7-81, Formerly 33-21.01, Amended 12-30-96, Formerly 33-21.001, 33-301.101, Amended 3-9-03, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting Operations
 RULE NO.: 33-601.721
 PURPOSE AND EFFECT: The purpose of the proposed rule is to delete obsolete language from the rule. The effect is to remove reference to the Inmate Welfare Trust Fund and replace it with the General Revenue Fund which pursuant to Senate Bill 954 (2003).

SUBJECT AREA TO BE ADDRESSED: Funding of purchases for visiting areas.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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 IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.721 Visiting Operations.
 (1) No change.
 (2) Wardens shall ensure that games, small toys and other suitable activities are available for small children to assist visitors with keeping their children occupied during visitation. Purchases to replenish toys and items for other activities is authorized from the General Revenue ~~Inmate Welfare Trust~~ Fund. Visitors shall not be charged for damaged or broken games or toys.
 (3) through (11) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended 5-27-02, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Definitions 40C-1.002
 Interagency Agreements 40C-1.106
 Delegations of Authority 40C-1.135
 Licenses or Permits Required 40C-1.602
 Fees 40C-1.603
 Protest of Action 40C-1.708
 Protest of Action 40C-1.721
 Protest of Action 40C-1.801
 Forms and Instructions 40C-1.900

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain definitions that are unnecessary because the terms are defined by statute,

(2) delete certain references to obsolete rules and statutes, (3) correct certain erroneous citations to rules or statutes, (4) correct certain rule deficiencies to make the rule consistent with other rule provisions, (5) clarify rule provisions on permit fees by adding the form concerning request for reduction in permit fees to the rule, in accordance with Section 120.74, F.S. SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the definition of the terms “agency head”, “DOAH”, and “Presiding Officer” in Rule 40C-1.002, F.A.C., delete the reference to Rule 40C-1.125 in 40C-1.106, F.A.C., replace the reference to Section 403.812, F.S., with Section 403.805(1), F.S., in Rule 40C-1.135, F.A.C., add provisions making clear that a mitigation bank permit must be obtained in order to establish a mitigation bank and that such application for a mitigation bank permit constitutes an application for any permit required under Chapters 40C-4, 40C-40, 40C-41, 40C-42, or 40C-400, F.A.C., add the form concerning requests for reduction in permit fees to the permit fee rule in Rule 40C-1.603, F.A.C., and replace references to the old Rule 40C-1.801, F.A.C., with Chapter 28-110, F.A.C., in Rules 40C-1.708, 40C-1.721 and 40C-1.801, F.A.C.

SPECIFIC AUTHORITY: 120.53(1), 373.044, 373.046, 373.109, 373.113, 373.171, 373.421(2) FS.

LAW IMPLEMENTED: 120.52, 120.53, 373.016, 373.019, 373.046, 373.085, 373.103, 373.106, 373.109, 373.118, 373.171, 373.203, 373.219, 373.303, 373.308, 373.323, 373.403, 373.413, 373.416, 373.421(2)-(7), 373.426, 373.463, 403.031, 403.803, 403.812, 403.911 FS., Ch. 94-278, Fla Laws.

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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.002 Definitions.

Definitions in Chapters 120, 373, and 403, F.S. and all other District rules promulgated to implement the Florida Statutes shall apply in this chapter. The following words and phrases shall have the meanings set forth below unless a different meaning is plainly required by the context:

~~(1) The “agency head” of the District as defined by subsection 120.52(3), F.S. means the Governing Board.~~

~~(1)(2)~~ “Department” means the Department of Environmental Protection.

~~(2)(3)~~ “District” or “Water Management District” means the St. Johns River Water Management District or its successor agency

~~(4) “D.O.A.H.” means the Division of Administrative Hearings.~~

~~(3)(5)~~ “Executive Director” means the Executive Director of the District.

~~(4)(6)~~ “Governing Board” or “Board” means the Governing Board of the District.

~~(7) “Presiding Officer” means the Board, or member thereof, who conducts a hearing on behalf of the Board; a hearing officer assigned by the D.O.A.H., or any other person authorized to conduct administrative hearings.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 120.52, 373.019, 373.203, 373.303, 373.403, 403.031, 403.803, 403.911 FS. History—New 1-22-76, Amended 3-1-77, Formerly 16I-1.03, 40C-1.03, 40C-1.031, Amended 8-1-89, 10-3-95, _____.

40C-1.106 Interagency Agreements.

(1) No change.

(2) Interagency agreements may be inspected in the office of the District Clerk pursuant to section 40C-1.125.

(3) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented 120.53, 373.016, 373.046, 373.103 FS. History—New 8-1-89, Amended 11-12-92, 10-3-95, 12-3-98, _____.

40C-1.135 Delegations of Authority.

(1) The District is delegated authority by the Department to assume certain responsibilities of chapters 373 and 403, F.S. This delegation is pursuant to authority contained in sections 373.016, 373.103 and ~~403.805(1) 403.812~~, F.S., and is described in section 62-113.200, F.A.C.

(2) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.53, 373.016, 373.103, 373.113 FS. History—New 8-1-89, Amended 1-4-96, _____.

40C-1.602 Licenses or Permits Required.

Unless expressly exempted by law or District rule, permits or licenses must be obtained from the District prior to commencement of the following activities:

(1) through (9) No change.

(10) A mitigation bank permit must be obtained in order to establish a mitigation bank. An application for a mitigation bank permit shall also constitute an application for any permit required under chapters 40C-4, 40C-40, 40C-41, 40-42, or 40C-400, F.A.C., to construct, alter, operate, maintain, abandon, or remove any surface water management system proposed as part of the bank.

(11) A mitigation bank conceptual approval permit may be obtained in order to estimate the legal and financial requirements for establishment of a mitigation bank, the information needed for the mitigation bank application, and the

potential mitigation credits for the bank. A mitigation bank conceptual approval permit does not authorize construction or establishment of a bank.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 373.085, 373.103, 373.106, 373.118, 373.171, 373.219, 373.308, 373.323, 373.413, 373.416, 373.426, 403.812 FS. History–New 1-22-76, Amended 1-15-80, Formerly 161-1.04, 40C-1.04, 40C-1.041, Amended 8-1-89, 8-11-91, 9-25-91, 10-3-95, _____.

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (13)(12). This fee recovers some of the District’s costs of processing applications. The fee schedule is:

(1) through (12) No change.

(13) Pursuant to Section 218.075 F.S. Chapter 94-278, Laws of Florida, the District shall, for each fiscal year beginning October 1st and ending September 30th, reduce all permit application fees to \$100, or, if a permit application fee is less than \$100, by 50 percent, for any county, municipality, or third party under contract with a county or municipality, to apply for a permit on the county or municipality’s behalf, which qualifies under this subsection. A county, municipality, or third party as described above, may apply to reduce the permit application fees by submitting form 40C-1.603(13) 40C-1.900(1) entitled “Request to the St. Johns River Water Management District to Reduce Permit Application fees,” which is hereby incorporated by reference, for each fiscal year certifying:

(a) That the county had has a population of 50,000 or less on April 1, 1994, and that the county’s population has not yet exceeded 75,000, that the municipality has a population of 25,000 or less, or that the county or municipality is not included within a metropolitan statistical area; and

(b) through (c) No change.

Specific Authority 373.044, 373.109, 373.113, 373.171, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2)-(7) FS, ~~Ch. 94-278, Fla. Laws. History–New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7- 23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, _____.~~

40C-1.708 Protest of Action.

Protest under this sub-part shall be subject to Chapter 28-110 section 40C-1.801, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended _____.

40C-1.721 Protest of Action.

Protest under this subpart shall be subject to Chapter 28-110 section 40C-1.801, F.A.C.

Specific Authority 373.044, 373.113 373.411 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended _____.

40C-1.801 Protest of Action.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53 FS. History–New 9-25-90, Amended 6-17-91, Repealed _____.

40C-1.900 Forms and Instructions.

Specific Authority 373.044 , 373.113 FS. Law Implemented Ch. 94-278, Fla. Laws. History–New 4-12-95, Repealed _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Permits Required	40C-2.041
Exemptions	40C-2.051
Duration of Permit	40C-2.321

PURPOSE AND EFFECT The purpose and effect of this proposed rule amendment is to (1) delete references to obsolete rules, and (2) delete rule provisions that are unnecessary or obsolete, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the reference to Chapter 40C-1, F.A.C., delete the reference to the Florida Electrical Power Plant Siting Act and Florida Industrial Siting Act, and delete the rule that extends the duration of certain consumptive use permits in Rule 40C-2.321, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216 FS.

LAW IMPLEMENTED: 373.103, 373.171, 373.216, 373.219, 373.226, 373.243, 373.244 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.041 Permits Required.

(1) through (4) No change.

(5)(a) The Governing Board may designate specific geographic areas in which permits shall be required for amounts less than those specified in subsection (1) above.

(b) Such designation shall be adopted by rule pursuant to Chapters 120 and 373, Florida Statutes, ~~and Chapter 40C-1, Florida Administrative Code~~ regarding the anticipated impacts of such designation.

Specific Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History–New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 1-20-93, 12-6-93, 2-15-95, 4-25-96, 1-7-99, _____.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this rule or Chapters 40C-20 or 40C-22, F.A.C., for the following water uses:

- (1) No change.
- ~~(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Florida Industrial Siting Act.~~
- (3) through (10) renumbered (2) through (9) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.216, 373.219, ~~288.501 et seq. 403.501 et seq.~~, FS. History—New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-18-94, 4-25-96, 10-2-96, _____.

40C-2.321 Duration of Permit.

- (1) through (2) No change.
- ~~(3) The Governing Board extends the duration of the following consumptive use permits according to the following schedule:~~

~~(a) All consumptive use permits issued for fern irrigation for land in Putnam, Volusia or Lake Counties which will expire after January 1, 1992, but before December 31, 1992, are extended until 1993. These permits shall expire on the same month and day in 1993 as they would have expired in 1992 but for this extension.~~

~~(b) All consumptive use permits issued for citrus irrigation for land in Lake, Marion or Indian River Counties which will expire after January 1, 1992, but before December 31, 1993, are extended until 1994, except for permits for citrus irrigation in Indian River County that are also subject to an Industrial Waste (Agricultural Discharge) permit or consent order authorizing operation issued by the Department of Environmental Regulation pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., or issued by the District pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental Regulation dated January 4, 1988. These permits shall expire on the same month and day in 1994 as they would have expired in 1992 or 1993 but for this extension.~~

~~(c) All consumptive use permits issued for cabbage or potato irrigation for land in Putnam, Flagler or St. Johns Counties which will expire after January 1, 1992, but before December 31, 1994, are extended until 1995. These permits shall expire on the same month and day in 1995 as they would have expired in 1992, 1993, or 1994 but for this extension.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.236, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.321, 40C-2.0321, Amended 7-23-91, 11-12-91, 1-20-93, 4-25-96, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Variances	40C-3.455
Violations of Permits	40C-3.492
Explosives	40C-3.525
Abandoned Well Plugging	40C-3.531
Violations of Well Construction Standards	40C-3.532

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rules that are redundant with other existing rules, (2) delete obsolete rule provisions, (3) correct obsolete or erroneous rule citations, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the rule on variances in Rule 40C-3.455, F.A.C., because it is redundant to Rule 40C-1.1003, F.A.C., delete the references to Chapter 40C-1 and Rule 40C-3.492, F.A.C., replace the reference to the old Rule 17-21.040, F.A.C., with the current Rule 62-532.400, F.A.C., replace the reference to the old subsection 40C-1.181(8), F.A.C., with the current reference to form number 41.01-410(1), and replace the reference to the incorrect Chapter 62-212, F.A.C., with the correct Chapter 62-532, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.113, 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 373.319, 373.326, 373.342 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.455 Variances.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.501, 40C-3.0501, Amended 9-17-89, Transferred from 40C-3.501, Amended 1-22-90, Repealed _____.

40C-3.492 Violations of Permits.

- (1) No change.
- ~~(2) Actions which may be taken by District staff once a violation is determined to have occurred, are set forth in chapter 40C-1, F.A.C. Violations may be reported by any person, including District staff.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.342 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.492, 40C-3.0492, Amended 8-1-89, 9-17-89, _____.

40C-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved by the District with the concurrence of the Department pursuant to section 62-532.400, F.A.C., in effect on July 1, 1989.

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84, Formerly 40C-3.525, 40C-3.0525, Amended 8-1-89, _____.

40C-3.531 Abandoned Well Plugging.

(1) through (2) No change.

(3) Request to abandon a well shall be submitted on the application form ~~41.10-410(1)~~ ~~40C-1.181(8)~~, provided by the District unless the well is exempt from permitting under Rule 40C-3.051, F.A.C.

Specific Authority 373.044, 373.309 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 10-14-84, Formerly 40C-3.531, 40C-3.0531, Amended 9-17-89, _____.

40C-3.532 Violations of Well Construction Standards.

(1) Actions, omissions, or conduct which may be considered as violations for the purposes of this part shall include, but are not limited to, the following:

(a) Failure to comply with any of the construction standards outlined in this part, or chapters ~~62-532~~ ~~62-212~~ and 62-555, F.A.C., in effect on July 1, 1989.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.306, 373.308, 373.309, 373.319 FS. History—New 10-14-84, Formerly 40C-3.532, 40C-3.0532, Amended 8-1-89, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Implementation	40C-4.031
Publications Incorporated by Reference	40C-4.091
Exemptions	40C-4.051
Permit Processing Fee	40C-4.201
Limiting Conditions	40C-4.381
Inspection	40C-4.461
Abatement and Abandonment	40C-4.471
Remedial and Emergency Measures	40C-4.481
Enforcement	40C-4.751

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, (2) clarify certain rules by removing unnecessary language and by providing other clarifying information and deleting unnecessary language, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete certain unnecessary rule provisions and would clarify that the exemptions in paragraph 40C-4.051(12)(f), F.A.C., include the installation and repair of

piers and recreational docking facilities. The rule would also clarify that the permit fee referred to in Rule 40C-4.201, F.A.C., is specified by Rule 40C-1.603, F.A.C. In Rule 40C-4.381, F.A.C., the rule would refer to Rule 40C-1.1006 which sets forth the provisions for formal determination. The proposed rule amendment would clarify section 12.2.2.1(d), A.H., to make clear that the value of the wetland to fish and wildlife is based on the factors listed in subsection 12.2.2.3, Applicant's Handbook. The rule would also make clear that the provision in 12.2.2.5(c) shall not apply to certain activities specified in the rule. In addition, the rule would amend section 12.3.1.8, Applicant's Handbook, to make clear that applicants may propose innovative mitigation proposals, however, to receive District approval, such proposals must offset the adverse impacts to the functions identified in sections 12.2 through 12.3.8.2 caused by regulated activities. The proposed rule amendment would also clarify section 12.3.7.4(a), Applicant's Handbook, to make clear the form and content of all financial responsibility mechanisms shall be approved by the District only if they satisfy the requirements specified in subsections 12.3.7 through 12.3.7.9, A.H.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.109, 373.113, 373.119, 373.171, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.016(2), 373.046, 373.109, 373.113, 373.119, 373.136, 373.406, 373.409, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.419, 373.421(2)-(6), 373.422, 373.423, 373.426, 373.429, 373.433, 373.436, 373.439, 373.461(3), 373.603, 373.613, 403.813(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.031 Implementation.

(1) through (2) No change.

(3) ~~If the validity of any provision of Chapter 40C 4, F.A.C., as amended on December 7, 1983 or the application thereof to any person or circumstance is challenged pursuant to Chapter 120, Florida Statutes, or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect~~

~~the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of Chapter 40C-4, F.A.C., as amended on December 7, 1983 are declared severable.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 1-31-77, Formerly 16I-4.03 and 40C-4.03, Amended 2-3-81, 12-7-83, Formerly 40C-4.031, 40C-4.0031, Amended 8-11-91, 10-3-95, _____.

40C-4.051 Exemptions.

(1) through (11) No change.

(12) No permit shall be required under Chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., for the following activities:

(a) through (c) No change.

(d) ~~The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28 if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(e) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(f) The installation and repair of private docks, piers, and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, which structures have ~~of~~ 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a ~~private~~ dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a ~~private~~ dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts). Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph, if the Department can demonstrate that the exempted activity has caused water pollution in violation of chapter 403, F.S.

(g) through (s) No change.

(t) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by chapter 373, F.S., or section 40C-4.051, F.A.C.~~

(u) No change.

(13) through (15) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.813(2) FS. History—New 1-31-77, Formerly 16I-4.05 and 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98, 7-8-01, 10-11-01, _____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M

“Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective 9-26-02.

- (b) through (c) No change.
- (2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016(2), 373.046, 373.413, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426, 373.461(3), 403.813(2) FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, _____.

40C-4.201 Permit Processing Fee.

There shall be a non-refundable permit processing fee as specified by Rule 40C-1.603 ~~chapter 40C-1~~, payable to the District at the time that an application for a general or individual permit or for a conceptual approval permit is submitted.

Specific Authority 373.044, 373.109, 373.113, 373.171 FS. Law Implemented 373.109, 373.413, 373.416, 373.426 FS. History--New 1-31-77, Formerly 16I-4.10, 40C-4.20, Amended 2-3-81, 12-7-83, Formerly 40C-4.201, 40C-4.0201, Amended 10-1-87, 8-1-89, _____.

40C-4.381 Limiting Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and chapter 40C-40, F.A.C., unless ~~waived or modified by the Governing Board upon a determination that~~ the conditions are inapplicable to the activity authorized by the permit.

- (a) through (n) No change.
- (o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Rule 40C-1.1006, F.A.C., section 373.421(2), F.S., provides otherwise.

- (p) through (s) No change.
- (2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.409, 373.413, 373.416, 373.419, 373.422, 373.423, 373.426 FS. History--New 12-7-83, Formerly 40C-4.381, 40C-4.0381, Amended 8-1-89, 10-19-89, 3-14-90, 2-27-94, 10-3-95, 1-4-96, 1-11-99, _____.

40C-4.461 Inspection.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.423, 373.429 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.461, 40C-4.0461, Repealed _____.

40C-4.471 Abatement and Abandonment.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.433, 373.426 FS. History--New 1-31-77, Formerly 16I-4.47 and 40C-4.47, Amended 2-3-81, 12-7-83, Formerly 40C-4.471, 40C-4.0471, Repealed _____.

40C-4.481 Remedial and Emergency Measures.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.436, 373.439 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.481, 40C-4.0481, Repealed _____.

40C-4.751 Enforcement.

~~(1) Enforcement actions shall be taken in accordance with the provisions of Chapter 373, Florida Statutes and Chapter 40C-1, F.A.C.~~

~~(2) A system which is constructed or altered without a permit and which requires a permit and the permit, when applied for after the initiation of construction, is denied, must be restored to its pre-construction condition.~~

Specific Authority 373.119, 373.113 FS. Law Implemented 373.119, 373.113, 373.136, 373.603, 373.613 FS. History--New 2-3-81, Amended 12-7-83, Formerly 40C-4.751, 40C-4.0751, Amended _____.

APPLICANT’S HANDBOOK SECTION:

12.2.2.1 Compliance with subsections 12.2.2 – 12.2.3.7, 12.2.5 – 12.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

- (a) through (c) No change.
- (d) The District establishes that the wetland to be impacted is, or several such isolated wetlands to be impacted are cumulatively, of more than minimal value to fish and wildlife based on the factors in subsection 12.2.2.3.

12.2.5 The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish is recognized by the District. In accordance with paragraph 12.1.1(d), the District shall:

- (a) through (b) No change.

(c) Deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified ~~by the Department~~ as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However, the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

12.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 12.3-12.3.6 may be proposed by an applicant; however to receive District approval they must offset the adverse impacts to the functions identified in section 12.2-12.3.8.2 caused by regulated activities shall be considered on a

~~case-by-case basis.~~ The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

12.3.7.4 General Terms for Financial Responsibility Mechanisms.

In addition to the specific provisions regarding financial responsibility mechanisms set forth in subsection 12.3.7.6 below, the following, as they relate to the specific mechanism proposed, shall be complied with:

(a) The form and content of all financial responsibility mechanisms shall be approved by the District if they satisfy the requirements specified in subsections 12.3.7 – 12.3.7.9.

12.5.4 Duration.

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the wetlands and other surface waters during that period. Changes in surface water or wetland boundaries resulting from work authorized by a permit pursuant to part IV, chapter 373, F.S., will not be considered as altering the boundary for the purposes of this subsection. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

12.5.5 Formal Determinations for Properties with an Existing Formal Determination.

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands authorized by section 373.421(1), F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

12.5.6 Nonbinding Determinations.

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: RULE NOS.:
 Declaring a Water Shortage Emergency 40C-21.331
 Implementing a Water Shortage

Emergency Declaration 40C-21.391

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete citations to certain rules which are obsolete because the referenced rules have been repealed, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the reference to Rule 40C-2.0531, F.A.C., in Rule 40C-21.331, F.A.C., and would delete the reference to Rule 40C-2.0541, F.A.C., in Rule 40C-21.391, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.175, 373.246 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-21.331 Declaring a Water Shortage Emergency.

(1) through (3) No change.

~~(4) Declaration of a water shortage emergency will be conducted in accordance with Section 40C 2.0531, Florida Administrative Code.~~

~~(5)~~(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History–New 1-1-84, Amended _____.

40C-21.391 Implementing a Water Shortage Emergency Declaration.

~~(1) Declaration of a water shortage emergency shall be conducted in accordance with Section 40C 2.0541, Florida Administrative Code.~~

(2) through (5) renumbered (1) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 1-1-84, Amended _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: RULE NO.:
 Incentive Program – Qualifying 40C-24.020

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete an obsolete rule citation and replace it with a correct citation, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the obsolete reference to section 12.4.5.1, of the Applicant's Handbook: Consumptive Uses of Water, with the correct citation of 12.2.5.1, Applicant's Handbook: Consumptive Uses of Water, in Rule 40C-24.020, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.185 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-24.020 Incentive Program – Qualifying.

(1) No change.

(2) The District's Xeriscape Landscaping Incentive Program consists of the following:

(a) through (c) No change.

(d) For those local governments which own or operate water supply utilities, or otherwise are required to obtain a consumptive use permit, the District will allow these local governments to include adoption of a xeriscape landscape ordinance as part of their Water Conservation Plan which is required pursuant to Rule 40C-2.301, F.A.C., and section 12.2.5.1 ~~12.4.5.1~~ of the Applicant's Handbook: Consumptive Uses of Water adopted by reference in Rule 40C-2.101, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.185 FS. History–New 11-30-92, Amended _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Implementation	40C-40.031
Revocation of Permits	40C-40.351
Limiting Conditions	40C-40.381

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete certain rule provisions which are unnecessary or redundant of statutes cited, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete unnecessary language in Rules 40C-40.031, 40C-40.351, and 40C-40.381, F.A.C. The proposed rule amendment would also make clear that the limiting conditions for general permits in Rule 40C-40.381, F.A.C., shall be subject to other reasonable conditions as are necessary to assure that the permitted work will meet the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 120.60, 373.413, 373.416, 373.419, 373.423, 373.426, 373.429 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.031 Implementation.

(+) This rule specifies the effective dates for standard environmental resource permits granted in this chapter. If the surface water management system meets the conditions of this chapter, the effective date is December 7, 1983.

~~(2) If the validity of any provision of chapter 40C 40, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the chapter which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C 40, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History–New 12-7-83, Amended 2-27-94, 10-3-95, 10-11-01, _____

40C-40.351 Revocation of Permits.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.60, 373.429 FS. History–New 12-7-83, Amended 10-11-01, Repealed _____.

40C-40.381 Limiting Conditions.

(1) No change.

(2) The permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in 40C-4.301 and 40C-4.302, F.A.C. ~~not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94, 10-11-01,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Implementation
 RULE NO.: 40C-41.033

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete unnecessary rule language, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the unnecessary language currently contained in subsection 40C-41.033(2), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.413, 373.415, 373.416, 373.426 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.033 Implementation.

(+) The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(a) and (b), F.A.C.; August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; and September 25, 1991 for the criteria of subsections 40C-41.063(7), F.A.C., 11-25-98 for the criteria of subsection 40C-41.063(6), F.A.C., and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

(2) If the validity of any provision of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, and November 25, 1998 or the application thereof to any person or circumstance is challenged pursuant to chapter 120, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-41, F.A.C., as amended on December 7, 1983, May 17, 1987, August 30, 1988, April 3, 1991, September 25, 1991, and November 25, 1998 are declared severable.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Permits Required Implementation
 RULE NOS.: 40C-42.022 40C-42.033

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete rule provisions that are obsolete, and (2) delete certain unnecessary rule provisions, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the obsolete rule provision in subsection 40C-42.022(5), F.A.C., and would delete the unnecessary rule provision in subsection 40C-42.033(3), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.404, 373.406, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.022 Permits Required.

(1) through (4) No change.

~~(5) Applications received by the District for which a permit has not been issued prior to the rule revisions effective April 11, 1994, and which do not require a permit pursuant to sections (1) or (2), above, may be withdrawn by the applicant.~~

~~(5)(6) No change.~~

Specific Authority 373.044, 373.113, ~~373.171~~, 373.404, 373.406, 373.414, 373.418, ~~373.417~~ FS. Law Implemented 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History--New 9-25-91, Amended 4-11-94, 11-22-94, 10-11-01, _____.

40C-42.033 Implementation.

(1) through (2) No change.

~~(3) If the validity of any provisions of chapter 40C 42, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C 42, F.A.C., are declared severable.~~

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History--New 9-25-91, Amended _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Implementation RULE NOS.: 40C-44.031

Relationship to Other Permitting Requirements 40C-44.071

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) delete certain unnecessary rule provisions, and (2) to replace an obsolete rule citation with a correct citation, in accordance with Section 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete unnecessary language in subsection 40C-44.031(2), F.A.C., and would replace the obsolete citation to section 10.7.2, A.H., in subsection 40C-44.071(2), F.A.C., with the correct citation of section 12.2.2, A.H.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.416, 373.418, 373.429 FS.

LAW IMPLEMENTED: 373.416 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 IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.031 Implementation.

(1) This chapter shall become effective on 8-11-91.

~~(2)(a)~~ Permits and consent orders which authorize operation of agricultural operations, issued by the Department of Environmental Regulation, or pending on June 1, 1991, pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., shall remain valid after 8-11-91, subject to all limiting conditions contained therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to chapter 40C-4, F.A.C., and prior to June 1, 1988, or for a general or individual permit, as appropriate, pursuant to this chapter, must be submitted to the District.

~~(3)(b)~~ Permits and consent orders which authorize operation of agricultural operations, issued by the District or executed by all parties to the consent order by 8-11-91, pursuant to the provisions of former chapter 17-6, F.A.C., renumbered as chapters 62-660 and 62-670, F.A.C., and pursuant to subparagraph 62-101.040(12)(a)3., F.A.C., and the Operating Agreement Concerning Stormwater Discharge Regulation and Dredge and Fill Regulation between the St. Johns River Water Management District and Department of Environmental Regulation dated January 4, 1988, shall remain valid after 8-11-91, subject to all limiting conditions therein, until final District action on a timely filed permit application made pursuant to this chapter. Ninety days prior to the expiration date of the permit or consent order, an application for the modification of a permit issued pursuant to chapter 40C-4, F.A.C., and prior to June 1, 1988, for a general or individual permit, as appropriate, pursuant to this chapter must be submitted to the District.

~~(4)(e)~~ Any permit application received prior to 8-11-91, will be processed and evaluated pursuant to the provisions of the chapters and Operating Agreement referenced in paragraph ~~(2)(b)~~ above.

~~(2) If the validity of any provisions of chapter 40C 44, F.A.C., or the application thereof to any person or circumstance is challenged pursuant to Chapter 120 or 373, F.S., or pursuant to any other basis in law, it is the intent of the Governing Board of the St. Johns River Water Management District that neither a challenge to the validity of a provision or application thereof nor the invalidation of a provision or application thereof shall affect the validity or application of~~

other provisions of the rule which can be given effect without the challenged or invalidated provision or application and to this end the provisions of chapter 40C-44, F.A.C., are declared severable.

Specific Authority 373.044, 373.113, 373.171, 373.429 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92, _____.

40C-44.071 Relationship to Other Permitting Requirements.

(1) No change.

(2) Alterations of existing agricultural surface water management systems, which would otherwise require permits pursuant to Rule 40C-4.041, F.A.C., will be considered minor alterations and will qualify for a standard general or individual environmental resource agricultural system permit, as appropriate, pursuant to this chapter, provided they do not increase the peak discharge rate and total discharge volume, when applicable (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.3 and 10.4), or alter off-site storage and conveyance capabilities of the water resource (Applicant’s Handbook: Management and Storage of Surface Waters, section 10.5), or adversely affect wetland functions, (Applicant’s Handbook: Management and Storage of Surface Waters, section 12.2.2) or increase the off-site pollutant loading Applicant’s Handbook: Management and Storage of Surface Waters, section 10.7.2.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices”.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Supervisor

RULE NO.: 64B3-5.002

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Supervisor.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 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 FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall have one hour of Board approved HIV/AIDS continuing education and one of the following:

(a) No change.

(b) A masters degree in medical technology or clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, ~~one year of which shall be post masters.~~

(c) A baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in the categories for which licensure is sought, two years of which must be at the technologist level ~~shall be post baccalaureate~~, including a minimum of one year in each category ~~for which licensure is sought.~~

(d) through (f) No change.

(g) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use substitute Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(h) through (i) No change.

(2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Personnel Licensure – Prerequisite
 RULE NO.: 64B3-6.003

PURPOSE AND EFFECT: The Board proposes to delete duplicative language in the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Personnel Licensure – Prerequisite.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.003 Personnel Licensure – Prerequisite.

(1) through (3) No change.

~~(4) All applicants for licensure shall submit evidence of completion of a four contact hour educational course on HIV/AIDS approved pursuant to Rule 64B3-11.005, F.A.C.~~

Specific Authority 483.805(4) FS. Law Implemented 456.013, 483.813, 483.815, 483.823 FS. History—New 6-6-85, Formerly 10D-41.71, Amended 7-4-89, Formerly 10D-41.071, 61F3-6.003, Amended 8-1-95, Formerly 590-6.003, Amended 8-27-97,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Requirements for Continuing
 Education Programs
 RULE NO.: 64B3-11.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Requirements for Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(7), 483.805(4), 483.821 FS.

LAW IMPLEMENTED: 456.013(7), 483.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.003 Requirements for Continuing Education Programs.

Programs seeking Board approval shall meet the following requirements:

(1) through (2) No change.

(3) Providers shall initially designate and subsequently update as appropriate a person to assume responsibility for continuing education courses for clinical laboratory personnel.

(4) through (5) No change.

(6) Each participant shall be provided with an authenticated certificate or letter of attendance which shall include the participant’s name, license number, course title, number of contact hours earned by specialty area, dates of attendance, program provider’s name, approval number, specialty area, and the signature of the provider.

Specific Authority 456.013(7), 483.805(4), 483.821 FS. Law Implemented 456.013(7), 483.821 FS. History—New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 590-11.003, Amended 12-13-99, 4-16-01,_____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Mandatory HIV/AIDS Education
 for Initial Licensure
 RULE NO.: 64B3-11.005

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Mandatory HIV/AIDS Education for Initial Licensure.

SPECIFIC AUTHORITY: 456.013(7), 483.805(4), 483.821 FS.

LAW IMPLEMENTED: 456.013(7), 483.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board

Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.005 Mandatory HIV/AIDS Education for Initial Licensure.

Applicants for initial licensure shall complete a one ~~four~~ (4) hour HIV/AIDS continuing education course pursuant to Section 381.0034, F.S., which shall:

- (1) through (3) No change.

Specific Authority 483.823 FS. Law Implemented 456.033(6), 483.823 FS. History—New 12-6-94, Amended 12-4-95, 7-1-97, Formerly 59O-11.005, Amended _____

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Application, Certification, Registration, and Licensure Fees

RULE NOS.: 64B8-3.002 64B8-3.003

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address area of critical need licensure and the deletion of language in the rule which is no longer needed.

SUBJECT AREA TO BE ADDRESSED: Area of critical need licensure.

SPECIFIC AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

- (1) An application fee in the amount of \$210.00 for a person desiring to obtain the following: (a) through (c) No change.

(d) An area of critical need license and a ~~A~~ limited license, as provided in Sections 458.315 and 458.317, F.S. However, if the person applying for an area of critical need license or a limited license submits a notarized statement from the employing agency or institution stating that the applicant will not receive monetary compensation for any service involving the practice of medicine, the application fee shall be waived.

(e) As provided in Section 458.317, F.S., if the person converting a full, unrestricted license to a limited license, submits a written statement from the employing agency or institution that the applicant will not receive compensation for any service involving the practice of medicine, the application fee, all licensure fees, and neurological injury compensation assessments shall be waived.

- (2) through (8) No change.

Specific Authority 456.013, 456.025, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, 1-31-01, 11-20-01, _____

64B8-3.003 Renewal Fees.

- (1) No change. (2) The following renewal fees are prescribed by the Board:

(a) Biennial renewal fee for physicians licensed pursuant to Sections 458.311, 458.3115, 458.3124, and 458.313, F.S., for physicians holding a limited license; and for physicians holding a medical faculty certificate as a distinguished medical scholar, a temporary certificate for practice in areas of critical need, a public psychiatry certificate, or a public health certificate shall be \$385.00. However the following exceptions shall apply:

- 1. If a physician holding an area of critical need license or a limited license submits a notarized statement from the employing agency or institution stating that the physician will not receive monetary compensation for any service involving the practice of medicine, said fee shall be waived. 2. through 4. No change. (b) No change.

Specific Authority 456.025, 458.309(1), 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.319, 458.345 FS. Law Implemented 456.025(1), 456.036(3), 458.319(1), 458.345(4) FS. History—New 12-5-79, Amended 10-24-85, Formerly 21M-19.03, Amended 12-4-86, 11-3-87, 5-24-88, 11-15-88, 11-12-89, 1-9-92, Formerly 21M-19.003, Amended 9-21-93, 4-14-94, Formerly 61F6-19.003, Amended 10-10-95, 6-24-96, 1-26-97, Formerly 59R-3.003, Amended 6-7-98, 8-11-98, 12-14-99, 10-30-01, 3-25-02, _____

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Approved Residency or Fellowship; Definitions 64B8-4.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address including the accrediting organizations in Canada to meet the definition of approved training.

SUBJECT AREA TO BE ADDRESSED: Including the accrediting organizations in Canada to meet the definition of approved training.

SPECIFIC AUTHORITY: 458.309, 458.311(1)(f) FS.

LAW IMPLEMENTED: 458.311(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.004 Approved Residency or Fellowship; Definitions.

(1) An approved residency of at least one year constitutes a course of study and training in a single program for a period of not less than twelve calendar months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited for the training and teaching of physicians by the Accreditation Council for Graduate Medical Education (ACGME), College of Family Physicians of Canada (CFPC) or Royal College of Physicians and Surgeons of Canada (RCPSC) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME, CFPC or RCPSC. Fellowship training or residency training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

(2) An approved residency or approved fellowship of at least two years in one specialty area constitutes two progressive years in a course of study and training as long as each year is accepted by the American Board of Medical Specialties in that specialty for a period of not less than twenty-four months by a person holding a degree as a medical doctor. The hospital and the program in which the medical doctor is participating must be accredited for the training and teaching of physicians by the Accreditation Council for

Graduate Medical Education (ACGME), College of Family Physicians of Canada (CFPC) or Royal College of Physicians and Surgeons of Canada (RCPSC) and the medical doctor must be assigned to one of the allocated positions or slots approved by the ACGME, CFPC or RCPSC. Fellowship training or residence training in a non-slotted position shall be considered approved residency training only in the instance when the fellowship or residency training has been recognized and accepted for that applicant toward completion of requirements for specialty board certification by a specialty board listed by the American Board of Medical Specialties.

Specific Authority 458.309, 458.311(1)(f) FS. Law Implemented 458.311(1) FS. History—New 3-31-80, Amended 11-10-82, Formerly 21M-22.04, Amended 9-7-88, 11-30-92, Formerly 21M-22.004, 61F6-22.004, Amended 11-15-94, Formerly 59R-4.004, Amended 6-15-98, 10-1-98, 7-10-01,

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Continuing Education for Biennial Renewal 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing education for performing pro bono medical services.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit for performing pro bono medical services.

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, up to 5 hours, per biennium, of continuing education credit may be fulfilled by performing pro bono medical services. For an entity serving the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigency shall be low-income (no greater than 150% of the federal poverty level) or uninsured persons. Credit shall be given on an hour per hour basis.

(a) The Board approves for credit under this rule, the following entities:

1. The Department of Health;
2. Community and Migrant Health Centers funded under section 330 of the United States Public Health Service Act; and
3. Volunteer Health Care provider programs contracted to provide uncompensated care under the provisions of Section 766.1115, Florida Statutes, with the Department of Health.

(b) For services provided to an entity not specified under this rule, a licensee must apply for prior approval in order to receive credit. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be served, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts.

(c) Unless otherwise provided through Board order, no licensee who is subject to a disciplinary action that requires additional continuing education as a penalty, shall be permitted to use pro-bono medical services as a method of meeting the additional continuing education requirements.

~~(11)(10)~~ No change.

Specific Authority 456.013(6)(~~7~~), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History—New 9-8-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 6-4-02, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Advertising
 RULE NO.: 64B8-30.011
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address appropriate advertising by physician assistants.
 SUBJECT AREA TO BE ADDRESSED: Physician Assistant advertising.
 SPECIFIC AUTHORITY: 458.347(13) FS.
 LAW IMPLEMENTED: 458.331(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 IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.011 Advertising.

(1) Advertising by physician assistants is permitted so long as such information is in no way false, deceptive, or misleading.

(2) Physician assistant advertisements shall disclose the name of the primary supervising physician of the physician assistant advertising his or her services.

(3) Physician assistants may not claim any type of specialty board certification.

(4) Only physician assistants certified by the National Commission on Certification of Physician Assistants (NCCPA) may claim certification and employ the abbreviation “PA-C” next to his or her name.

(5) Failure to abide by the provisions of this rule shall constitute a violation of Section 458.331(1)(d) and (nn) and Section 456.072(1)(cc), Florida Statutes.

Specific Authority 458.347(13) FS. Law Implemented 458.331(1)(d) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Assistant Licensure
 RULE NO.: 64B15-6.003
 PURPOSE AND EFFECT: The Board proposes the amendments to update the rule to conform with Board of Medicine’s corresponding physician assistant Rule 64B8-30.003, F.A.C.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address letters of recommendation from supervising physicians, documentation for certain required course work, and procedure for applying as a prescribing physician assistant.
 SPECIFIC AUTHORITY: 459.005, 459.022, 458.347(7) FS.
 LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON SEPTEMBER 13, 2003, IN TAMPA, FLORIDA.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.003 Physician Assistant Licensure.

(1) Requirements for Licensure. All applicants for ~~licensure certification~~ as physician assistants shall submit an ~~must make~~ application to the Department on forms approved by the Council and Boards and provided by the Department Council on form PA/APP001, entitled "Application for Licensure as a Physician Assistant," effective 6-7-98, (rev. 10-15-97) which is incorporated herein by reference and available from the Council office. The applicant must meet all of the requirements of Section 458.347(7), Florida Statutes, or Section 459.022(7), Florida Statutes, and the applicant must submit two personalized and individualized letters of recommendation from physicians. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the preceptor physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to and directed to the Council on Physician Assistants and must have been written no more than six months prior to the filing of the application.

(2) through (3) No change.

(4) The applicant must submit notarized statements containing attesting to the following information:

(a) completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association

or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(c) completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S. for its employees may be used to partially meet this requirement.

(5) Licensure as a Prescribing Physician Assistant

(a) An applicant ~~All persons applying~~ for licensure as a prescribing physician assistant shall, together with the supervising physician, jointly file the application for licensure ~~submit an application~~ to the Department ~~Council~~ on a form approved by the Council and Boards and provided by the Department. The same application may be utilized by any alternate supervising physicians, provided that all supervising physicians practice in the same specialty area and in the same practice setting. ~~The application shall be.~~ A separate application form shall be required for each distinct specialty area of practice, as well as for each distinct practice setting. Satellite offices within the same practice do not constitute distinct practices.

(b) The applicant shall have completed a 3 hour course approved by the Board Council in prescriptive practice, which shall cover the limitations, responsibilities, and privileges involved in prescribing medicinal drugs.

(c) through (d) No change.

Specific Authority 459.005, 459.022, 458.347(7) FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE:

RULE NO.:

Executive Director

64B16-25.130

PURPOSE AND EFFECT: The Board proposes the rule amendment to follow Emergency Rule 64BER03-1, F.A.C., to broaden the qualifications for executive director.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment follows the effectiveness of Emergency Rule 64BER03-1, F.A.C., to delete the requirement the executive director be an actively licensed pharmacist in the State of Florida.

SPECIFIC AUTHORITY: 465.005 FS.
 LAW IMPLEMENTED: 456.004, 456.009, 48.111(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON AUGUST 11, 2003 IN ORLANDO, FLORIDA.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-25.130 Executive Director.

The Executive Director is hereby designated as the agent of the Board for the service of legal process upon the Board. ~~The Executive Director shall be a pharmacist actively licensed in the State of Florida.~~

Specific Authority 465.005 FS. Law Implemented 456.004, 456.009, 48.111(2) FS. History-New 10-17-79, Formerly 21S-8.04, 21S-8.004, Amended 7-30-91, Formerly 21S-25.130, 61F10-25.130, 59X-25.130, Amended 10-29-97, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

RULE TITLES:	RULE NOS.:
Documents Incorporated by	
Reference and Definitions	5D-1.001
Permits, Licenses and Inspections	5D-1.003
Dating; Standards for Milk, Milk Products and Frozen Desserts	5D-1.007
Future Dairy Farms, Milk Plants and Frozen Dessert Plants	5D-1.012

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to amend Chapter 5D-1, F.A.C., to address changes to the Statute; update definitions and document references; and to clarify certain test procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

Any person wishing to provide information regarding the SERC, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 502.014, 503.013 FS.
 LAW IMPLEMENTED: 502.012, 502.014, 502.032, 503.031 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 25, 2003
 PLACE: Dairy Conference Room, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Hines Boyd, Director, Division of Dairy Industry, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Room B-29, Tallahassee, Florida 32399-1650, (850)487-1450

THE FULL TEXT OF THE PROPOSED RULES IS:

5D-1.001 Documents Incorporated by Reference and Definitions.

(1) The following documents are incorporated by reference and shall apply in the interpretation and enforcement of Chapters 502 and 503, Florida Statutes:

(a) ~~1993~~ 2001 Revision Grade A Pasteurized Milk Ordinance ("PMO"), Administration Publication No. 229, its Appendices and notes.

(b) ~~21 Code of Federal Regulations, Parts 101, 130.17, 131 and Revised April 1, 2003 133.128, 133.129, 133.131, 135, 163.130-163.155, 169.175-169.182, and 170.2-170.38, April 1, 1993 Revision.~~

(c) ~~7 Code of Federal Regulations, Part 58, Subpart A—58.1 and Subpart B — 58.125-58.131 and 58.142-58.154 58.100-58.159, and 58.605-58.645 and 58.647-58.654, Revised January 1, 2003 April 1, 1993 Revision.~~

Copies of the foregoing may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) ~~Frozen Desserts Processing Guidelines, 1st edition, October 1989. Available from Milk Safety Branch, HFS-626, Division of Cooperative Programs, Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD 20740-3835. Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products, 1993 Revision, published by The Center for Food Safety and Applied Nutrition. Copies may be obtained from the Director of the Office of Constituent Operations, Industry Activity Staff, HFS-565, 200 C Street Southwest, Washington, DC 20204.~~

(e) United States Standards for Grades of Nonfat Dry Milk (Spray Process), February 2, 2001. Available from United States Department of Agriculture, Agriculture Marketing Service, Dairy Programs, Standardization Branch, 1400 Independence Ave., S.W., MS0230, Washington, D.C. 20250-0230. Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public