

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control REGULATIONS

RULE CHAPTER NO.: 5E-14

Regulations 5E-14

RULE TITLES: Contractual Agreements in Public’s Interest –

RULE NOS.: 5E-14.105

Control and Preventive Treatment for Wood Destroying Organisms

Responsibilities and Duties – Records, Reports, Advertising, Applications

5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUBJECT AREA TO BE ADDRESSED: Wood Destroying Organism contracts.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.051, 482.161, 482.163, 482.227 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: August 10, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Duval County Extension Office, 1010 North McDuff Avenue, Jacksonville, Florida

TIME AND DATE: August 12, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Library, 15290 Bass Road, Ft. Myers, Florida 33919

NOTE: These workshops will be combined with workshops for Rule 5E-14.149, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control REGULATIONS

RULE CHAPTER NO.: 5E-14

Regulations 5E-14

RULE TITLE: Enforcement and Penalties

RULE NO.: 5E-14.149

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the enforcement guidelines and penalties into rule. The Department’s purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Enforcement and penalties are being adopted into rule to facilitate compliance.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 5:00 p.m., August 10, 2005

PLACE: Duval County Extension Office, 1010 North McDuff Avenue, Jacksonville, Florida

TIME AND DATE: 10:00 a.m. – 5:00 p.m., August 12, 2005

PLACE: Library, 15290 Bass Road, Ft. Myers, Florida 33919

NOTE: These workshops will be combined with workshops for Rules 5E-14.105 and 5E-14.142, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-7447

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

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.”

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental

RULE CHAPTER NO.: 40D-4

Resource Permits 40D-4

RULE TITLE: Publications and Agreements

RULE NO.: 40D-4.091

Incorporated by Reference 40D-4.091

PURPOSE AND EFFECT: The purpose of this amendment to Rule 40D-4.091, F.A.C., is to incorporate amendments to Chapter 2.0 of the Environmental Resource Permitting Basis of Review.

SUBJECT AREA TO BE ADDRESSED: Acceptable means to demonstrate ownership or control of a project area in accordance with the District’s environmental resource permitting rules.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose of the amendment to Rule 40D-4.091, F.A.C., is to incorporate by reference a Memorandum of Understanding Between the Southwest Florida Water Management District (SWFWMD) and the Environmental Protection Commission of Hillsborough County; (EPC), Regarding Coordination of Regulatory Activities.

SUBJECT AREA TO BE ADDRESSED: Memorandum of Understanding between the Southwest Florida Water Management District and the Environmental Protection Commission of Hillsborough County regarding coordination of responsibilities for certain activities affecting wetlands that are regulated by both agencies.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clark Hull, Director, Environmental Resource Permitting Program, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4302.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLES:	RULE CHAPTER NOS.:
Purpose and General Provisions	40E-8.011
Definitions	40E-8.021

Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area	40E-8.351
Prevention and Recovery Strategies	40E-8.421

PURPOSE AND EFFECT: To develop minimum flows and levels (MFLs) criteria for Lake Istokpoga. The MFL criteria will provide an assurance of preventing significant harm to the proposed MFL's performance measure, fish spawning habitat, caused by severe low water events and is one tool for managing the Lake's water resources.

SUBJECT AREA TO BE ADDRESSED: MFL criteria for Lake Istokpoga.

SPECIFIC AUTHORITY: §9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

TIME AND DATE: 2:00 p.m., August 2, 2005

PLACE: Sebring Agri-Civic Center Auditorium, 4509 George Boulevard, Sebring, FL 33875

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Zahina, Senior Environmental Scientist, Planning and Resource Evaluation,

Water Supply Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 2824, (561)682-2824, internet: zjahina@sfwmd.gov; For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299, (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-8.011 Purpose and General Provisions.

(1) through (2) No change.

(3) The MFLs established herein are based on existing best available information, and will be periodically reviewed, at least every five years, based on new information and changing water resource conditions. Revisions to established MFLs will be peer reviewed as required by Section 373.042, F.S., prior to rule adoption. The minimum flow criteria for the Caloosahatchee River in subsection 40E-8.221(2), F.A.C., shall be reviewed within one year of the effective date of this rule, September 10, 2001, and amended, as necessary, based on best available information.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., and Section 3.9 of the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 10, 2001,” and the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, and Part III of Chapter 40E-22, F.A.C., September 10, 2001, are inseparable components of the minimum flows and levels established in Rules 40E-8.321 and 40E-8.331, F.A.C., September 10, 2001. The District would not have adopted the minimum flows and levels set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5) In concert with establishment of the MFL for the Northwest Fork of the Loxahatchee River in subsection 40E-8.221(5), F.A.C., the District commits to the following activities that are described in greater detail in the Recovery and Prevention Strategy section, subsection 40E-8.421(6), F.A.C.:

(a) through (e) No change.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History—New 9-10-01, Amended 4-1-03, _____.

40E-8.021 Definitions.

(1) through (9) No change.

(10) Lake Istokpoga – means the lands and waters contained within the Lake below 40.0 feet NGVD, the top of the U.S. Army Corps of Engineers’ regulation schedule.

~~(11)(10)~~ Lake Okeechobee – means the lands and waters contained within the perimeter of the Hoover Dike.

~~(12)(11)~~ LEC Plan – means the Lower East Coast Regional Water Supply Plan – May 2000, including all three volumes.

~~(13)(12)~~ Lower West Coast Aquifers – means the lower Tamiami aquifer, sandstone aquifer and the mid-Hawthorn aquifer that occur within Charlotte, Hendry, Glades, Lee and Collier counties.

~~(14)(13)~~ LWC Plan – means the Lower West Coast Regional Water Supply Plan – April 2000, including all three volumes.

~~(15)(14)~~ Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

~~(16)(10)~~ Minimum Flow and Level Exceedance – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

~~(17)(16)~~ Minimum Flow and Level Violation – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining a MFL violation, a “year” means 365 days from the last day of the previous MFL exceedance.

~~(18)(17)~~ Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

~~(19)~~(18) MFL Water Body – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

~~(20)~~(19) Northwest Fork of the Loxahatchee River: Means those areas defined below:

(a) through (d) No change.

~~(21)~~(20) Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

~~(22)~~(21) Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are projected to be violated within twenty (20) years of the establishment of the minimum flow or level, if said prevention strategies are not implemented.

~~(23)~~(22) Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

~~(24)~~(23) Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

~~(25)~~(24) St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41).

~~(26)~~(25) St. Lucie River South Fork – means the surface waters that extend from the culverts located at state plane coordinates x902,512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

~~(27)~~(26) St. Lucie Estuary – means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

~~(28)~~(27) Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

~~(29)~~(28) Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03,_____.

PART III MFL CRITERIA FOR LOWER WEST COAST REGIONAL PLANNING AREA, MFL CRITERIA FOR KISSIMMEE BASIN REGIONAL PLANNING AREA, AND MFL CRITERIA FOR UPPER EAST COAST REGIONAL PLANNING AREA

40E-8.351 Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area.

Lake Istokpoga – An MFL violation occurs in Lake Istokpoga when surface water levels fall below 36.5 feet NGVD for 20 or more weeks, more often than once every four years.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New _____.

40E-8.421 Prevention and Recovery Strategies.

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

(e) Upon completion of each project or project phase of a recovery or prevention plan the District will certify the availability of water, as defined in subsection 40E-8.021(5), F.A.C.

(f) No change.

(2) through (7) No change.

(8) Lake Istokpoga. The water levels in Lake Istokpoga are controlled by operation of water control structures (G-85 and, primarily, S-68) as guided by a regulation schedule adopted by the U. S. Army Corps of Engineers and implemented by the District. The existing regulation schedule, typical regional weather patterns, and present levels of inflows from area creeks make violation of the Lake’s minimum level unlikely; no such events have occurred since implementation of the Lake regulation schedule. Analysis of the current regulation schedule and operational policies for the Lake indicate the proposed Lake Istokpoga minimum level will be met for the foreseeable future. Therefore, the prevention strategy for Lake Istokpoga consists of continuation of the current operational plan and regulation schedule. The District, in coordination with other appropriate agencies, should also plan and operate extreme Lake drawdowns for environmental purposes in a manner that, to the greatest extent possible, avoids a MFL violation. If significant changes to the Lake’s water level management occurs due to new information, altered operational plans, or regulation schedule, a re-evaluation of the minimum level criteria will be conducted. This re-evaluation will occur as part of the next Lake Istokpoga MFL update which is scheduled to occur in 2010, or sooner, if significant changes to Lake management are proposed.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE TITLE: RULE NO.:

Asbestos Training Courses and Providers 61E1-2.006

PURPOSE AND EFFECT: This technical change to Rule Chapter 61E1 updates several citations contained within the rule, particularly citations to the corresponding federal regulations.

SUBJECT AREA TO BE ADDRESSED: Asbestos training courses and providers.

SPECIFIC AUTHORITY: 455.203(5), 469.011 FS.

LAW IMPLEMENTED: 469.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61E1-2.006 Asbestos Training Courses and Providers.

(1) Each training course provider must be approved by the Department as a course provider and each training course must be approved by the Department. Provider and course approvals are valid until May 31st of odd numbered years and must be renewed prior to expiration. Applications for course provider and training course approval must be submitted using the form Asbestos Licensing Unit Training Provider and Continuing Education Course Approval Application, Number DBPR ALU-4054, ~~Effective Date: April 18, 2003~~ incorporated herein by reference. The form may be obtained by contacting the Department at the following address: Asbestos Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-1027+006 or at <http://www.state.fl.us/dbpr/pro/forms/asbest/>. Any substantial change in the course content will require the provider to reapply to the Department for approval.

(2) No change.

(3) A training course provider must meet the standard set forth in 40 C.F.R. Part 763, ~~Appendix C to Subpart E~~ ~~Subpart E of Appendix C~~, 59 FR 5251, Feb. 3, 1994, as amended at 60 FR 31922, June 19, 1995, which is incorporated herein by reference. Copies can be obtained by writing the Department at Department of Business and Professional Regulation, Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, or at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=96052cf0c67764631cabfe8c9732c4b1;rgn=di>. The following providers and courses shall be approved.

(a) through (b) No change.

(4) The application for the provider and course approval shall include but is not limited to the following information.

(a) through (d) No change.

(e) A copy of all course materials, including student manuals, instructor notebooks, handouts, videotapes and any other materials requested by the Department.

1. Pursuant to 40 C.F.R., Part 763, Appendix C to Subpart E ~~Subpart E of Appendix C~~, the asbestos worker courses are the only courses approved to be conducted in a language other than English.

2. Any course provider who wishes to conduct a course in a language other than English must comply with the following:

a. through d. No change.

(5) through (8) No change.

(9) Fees.

(a) Fees for initial training course review shall be \$350.00 per training day. Courses with a duration of eight hours will be assessed at the 8-hour day rate (\$350.00). An additional \$350.00 will be assessed for each 8-hour day of training above the minimum days of training specified in Sections 469.001-.015, Florida Statutes, and those set forth in 40 C.F.R. Part 763, Appendix C to Subpart E ~~Subpart E of Appendix C~~, as it existed on September 1, 1997. Courses with a duration of four hours of training will be assessed \$175.00. Courses with a duration of eight hours will be assessed at the 8-hour day rate (\$350.00).

(b) Fees for refresher training course approval shall be as follows:

1. \$175.00 – per 4-hour day;

2. \$250.00 – per 8-hour day.

(c) All application fees are non-refundable.

(10) No change.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.014 FS. History—New 5-12-93, Formerly 21-23.006, Amended 8-17-94, 11-24-97, 3-23-04, _____.

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 Acupuncture

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Fees 64B1-2

PURPOSE AND EFFECT: The Board deems it necessary to review the fees chapter to ascertain if changes, including but not limited to the assessment of fees for retired licensee status, are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.036(3), 457.104, 457.107(1), 457.108(2), 456.036, 457.105(2)(d), 120.53(1), 456.025, 457.107(8), 456.025(2),(7), 456.025(8), 456.065 FS.

LAW IMPLEMENTED: 456.036(3), 457.107(1), 457.108(2), 456.036, 457.005(2)(d), 456.025, 457.107(3), 456.025(2),(7), 456.025(5), 456.065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Jr., Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B1-9.001

PURPOSE AND EFFECT: The Board deems it necessary to review the disciplinary guidelines, in order to ascertain whether changes are needed.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079(1), 457.104 FS.

LAW IMPLEMENTED: 456.072, 456.079, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Jr., Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Obligations of Continuing Psychological Education Providers
 RULE NO.: 64B19-13.005

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the obligations of continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Obligations of continuing education providers.

SPECIFIC AUTHORITY: 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 490.007(2), 490.0085(1),(3) 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
 RULE CHAPTER NO.: 64E-2
 RULE TITLE: Trauma Center Funding Allocation
 RULE NO.: 64E-2.0291

PURPOSE AND EFFECT: To provide a precise method for determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 497 and House Bill 1697 passed during the 2005 Legislative Session.

SUBJECT AREA TO BE ADDRESSED: Trauma Center Funding Allocation.

SPECIFIC AUTHORITY 381.0011(13) FS.

LAW IMPLEMENTED: HB 497, HB 1697

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. (EDT), August 8, 2005

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301, Tallahassee, Florida

TIME AND DATE: 10:00 a.m. (EDT), August 10, 2005

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

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

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES: RULE NOS.:
 Records of Drugs, Cosmetics and Devices 64F-12.012
 Prescription Drugs; Receipt,
 Storage and Security 64F-12.013

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. The 2005 Legislature passed Senate Bill 874, which further modified the requirements for the pedigree paper. This rule development workshop is intended to continue gathering information and input from industry to craft a rule that will facilitate industry's compliance with the pedigree requirements through a process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. In addition, the pedigree paper form referenced in Section 499.003(31), F.S., needs revisions to implement the new requirements of Senate Bill 874 and to simplify the document for implementation July 1, 2006. The methods for authenticating a pedigree paper as required by Section 499.0121(4), F.S., need fine-tuning, and the wholesale industry needs guidance on how to reflect a returned prescription drug from a pharmacy, hospital, or practitioner on the pedigree after July 1, 2006. It is the department's intent that this will be the final workshop to develop proposed rules to implement the pedigree paper provisions that go into effect on July 1, 2006.

SUBJECT AREA TO BE ADDRESSED: Parameters for the use of technology, such as electronic signatures and electronic pedigrees to meet the pedigree paper requirements in Section 499.0121(6)(f), F.S.; modifications to the pedigree paper form referenced in Section 499.003(31), F.S., that will go into effect on July 1, 2006; authentication methods provided in Rule 64F-12.013, F.A.C.; procedures for a wholesaler to reflect returns from pharmacies, hospitals, and medical practitioners on pedigree papers on and after July 1, 2006; and general matters related to implementation of the July 1, 2006 requirements for pedigree papers as may be raised by workshop participants.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(5)(d),(6)(f) FS.

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

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Wednesday, August 17, 2005

PLACE: Capital Circle Office Complex, Building 4042, Room 301, 4042 Bald Cypress Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: sandra_stovall@doh.state.fl.us (Draft language will be published on the bureau's website, www.doh.state.fl.us/pharmacy/drugs, 10 days prior to the scheduled workshop)

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

DEPARTMENT OF HEALTH

Vital Statistics

RULE TITLE: RULE NO.:
 Death and Fetal Death Registration 64V-1.0061

PURPOSE AND EFFECT: Purpose of proposed amendment is to update form used in registering fetal deaths to incorporate items from the standard Certificate of Fetal Death as required by the Center for Disease Control (CDC), National Center for Health Statistics (NCHS). These records are the principal means of promoting uniformity of data collection by states. CDC/NCHS recommends each state incorporate the revised national certificates. Florida has already implemented the recommended birth and death certificates.

SUBJECT AREA TO BE ADDRESSED: The revised fetal death certificate promotes more complete reporting including the usefulness of fetal autopsies, the need for standard definitions of obstetric terminology, medical risk factors, measurement of gestational age, and prenatal care. This revised data is integrated with other public health systems such as newborn screening, immunization registry, medical examiner reporting system and other disease specific reporting systems.

SPECIFIC AUTHORITY: 382.003(10), 382.008 FS.

LAW IMPLEMENTED: 382.003(7),(11), 382.008 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 (IF NOT REQUESTED IN WRITING, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., August 1, 2005

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathleen Dunkley Stephens, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64V-1.0061 Death and Fetal Death Registration.

All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered on a Certificate of Death, DH Form 512, July 04. All fetal deaths occurring in this state shall be filed on a Certificate of Fetal Death, DH Form 428, Jan. 06 ~~Nov. 07~~, both hereby incorporated by reference and available from the department.

Specific Authority 382.003(10), 382.008 FS. Law Implemented 382.003(7),(11), 382.008 FS. History—New 2-29-04, Amended 10-19-04, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Format of Schedule	69I-5.003
Types of State Financial Assistance	69I-5.004
State Project Determination	69I-5.005
Recipient/Subrecipient and Vendor Relationships	69I-5.006
State Project Compliance Supplement	69I-5.007
Criteria for Major State Projects	69I-5.008
Criteria for Selecting State Projects for Audit Based on Inherent Risk	69I-5.009
Approval of Non-State Entity Conduits	69I-5.010

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement the changes made to the Florida Single Audit Act by Chapter 2005-152, Laws of Florida, effective July 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Duties and responsibilities under the Florida Single Audit Act, Section 215.97, Florida Statutes.

SPECIFIC AUTHORITY: 215.97 FS.

LAW IMPLEMENTED: 215.97 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: 10:00 a.m., August 1, 2005

PLACE: Room 430, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shane Lewis, Bureau of Auditing, Room 448J, Fletcher Building, Tallahassee, Florida 32399-0355, (850)410-9310

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Water Quality/Quantity BMPs for
Indian River Area Citrus Growers

RULE CHAPTER NO.: 5M-2

RULE TITLE: Approved BMPS

RULE NO.: 5M-2.002

PURPOSE AND EFFECT: To amend Rule 5M-2.002, F.A.C., to incorporate the most recent version of the BMP manual.

SUMMARY: The rule amendment changes the date of the manual incorporated by reference to accurately reflect the most recent revisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brittany Mayock, Environmental Specialist I, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-2.002 Approved BMPS.

The document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* (~~May, 2000~~ January, 2005) is hereby incorporated and adopted by reference in this rule for Brevard, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie and Volusia counties. Copies of the document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History—New 6-24-05, Amended _____.