

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0282
RULE TITLE: Specialization Requirements for the Endorsement in Athletic Coaching – Academic Class

PURPOSE AND EFFECT: The purpose of the rule development is to consider a rule amendment to add other accredited training organizations as providers of cardiopulmonary resuscitation (CPR) training for the CPR certificate. The effect will be a rule that is aligned with the providers that are recognized and accepted by the Department of Health.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for athletic coaches.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 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: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Room 201, Tallahassee, FL 32399-0400; (850)245-0431

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.021
RULE TITLE: State of Florida High School Diplomas

PURPOSE AND EFFECT: The purpose of the rule development is to update information on scores needed to obtain a GED and expand documentation types to be more in line with national General Educational Development Testing Service (GEDTS) guidelines. The effect will be to align the State of Florida more with national guidelines.

SUBJECT AREA TO BE ADDRESSED: GED passing scores and related documentation.

SPECIFIC AUTHORITY: 1001.02(1), 1003.435(1)(5) FS.

LAW IMPLEMENTED: 1003.435 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: Teresa Bestor, Director, Adult Education and GED Programs, Division of Workforce Education, 325 West Gaines Street, Room 644, Tallahassee, FL 32399-0400; (850)245-9906

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

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.005
RULE TITLE: Collection and Distribution of Payments

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to give notice that the Department is developing a revised rule for the distribution and disbursement of child support payments collected pursuant to Section 409.2558, Florida Statutes.

The effect of this action is to ensure that the Department’s rules conform to statute.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the Department’s distribution of support collections, to include: the method for determining a collection or refund to be undistributable to the final intended recipient; use of location resources to locate persons due a support collection or refund; the method for determining a collection to be unidentifiable; and, the process for a parent to reclaim support collections declared to be undistributable or unidentifiable. The Department encourages interested parties to submit written comments or other material that might assist the Department in revising the distribution and disbursement rule.

SPECIFIC AUTHORITY: 409.026, 409.2567 FS.

LAW IMPLEMENTED: 409.2554, 409.2557, 409.2561, 409.2567, 409.2569 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone

(850)922-9558, e-mail address: scruggsp@dor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address: scruggsp@dor.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-91.007
 RULE TITLE: Selection and Award Process
 PURPOSE AND EFFECT: A new subsection (9) is added to Rule 14-91.007, F.A.C., to clarify the compensation of design-build firms.
 SUBJECT AREA TO BE ADDRESSED: A new subsection (9) is being added to Rule 14-91.007, F.A.C.
 SPECIFIC AUTHORITY: 334.044(2), 337.11(7)(b) FS.
 LAW IMPLEMENTED: 337.025, 337.11(7) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

- 14-91.007 Selection and Award Process.
- (1) through (8) No change.
- (9) The Department shall pay design-build firms submitting fully responsive proposals that are not selected a lump sum amount, stipend, as determined by the solicitation in order to stimulate competition and for the work product contained in the firm’s responsive technical bid proposals. The Department will not pay the selected design-build firm a stipend. An unselected short list design-build firm that submits a responsive bid proposal in response to the Department request for detailed proposals will receive a stipend in exchange for the work product contained in that bid proposal. The Department reserves the right to use any of the concepts,

ideas, technologies, techniques, methods, processes, and information that are contained within the bid proposals without any further compensation therefore.

(a) In order to receive the stipend, the unselected short listed design-build firms must enter into a contract with the Department immediately after short listing. The contract is required to document the terms and conditions for the stipend.

(b) The Department’s criteria to determine the stipend amount shall include the following: complexity of the project, technical expertise, time and resources required for the proposal, and value of work product contained in the technical proposal. The intent to compensate and the stipulated amount of the stipend will be set forth in the request for proposals package.

(c) A stipend is not intended to compensate the design-build firms for the total cost of preparing the bid proposal.

Specific Authority 334.044(2), 337.11(7)(b) FS. Law Implemented 337.025, 337.11(7) FS. History—New 3-13-88, 6-13-90, Amended 2-20-96, 9-3-96, 10-18-00, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

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| RULE NOS.: | RULE TITLES: |
| 27M-2.002 | Application Procedures for Certification of a Facility For a Professional Sports Franchise |
| 27M-2.003 | Certification as a Facility for a New Professional Sports Franchise |
| 27M-2.004 | Certification as a Facility for Retained Professional Sports Franchise |

PURPOSE AND EFFECT: The proposed rule development involves the creation of two new rules within Chapter 27M-2, Florida Administrative code, related to the certification of new and retained professional sports franchises, as authorized by Section 288.1162, Florida Statutes (2007). The proposed rules provide application requirements and methods for granting certifications of facilities for new and retained professional sports franchises.

SUBJECT AREA TO BE ADDRESSED: The proposed rules provide application requirements and methods for granting certifications of facilities for new and retained professional sports franchises.

SPECIFIC AUTHORITY: 288.1162 FS.

LAW IMPLEMENTED: 288.1162 FS.

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

DATE AND TIME: Friday, October 19, 2007, 9:00 a.m.
PLACE: Office of Tourism, Trade, and Economic Development, The Capitol, Suite 1902, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Michelle Ramsey, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399, whose telephone number is (850)487-2568. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Ramsey, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399, whose telephone number is (850)487-2568

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.002
RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to adopt by reference the First Amendment to the Well Construction Permitting Agreement between the District and the Marion County Health Department. The effect will be to continue the delegation of authority to the Marion County Health Department to administer the well construction regulatory program in that county for two more years (through October 1, 2009).

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-1.002, F.A.C., to incorporate by reference the First Amendment to the Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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: Martha A. Moore, 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:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) through (b) No change.

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective May 21, 2006, and the First Amendment to Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective _____, 2007.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.603
RULE TITLE: Permit Application Procedures

PURPOSE AND EFFECT: District rules specify the number of copies of each application form that must be submitted when application is made for a new water use permit or environmental resource permit or a modification of an issued permit. The District is currently expanding its capability to accept permit applications electronically. The purpose of the proposed rule amendment is to state that any requirement to submit multiple copies of an application shall not apply when the application package is received through the District's electronic permitting process. The effect will be to clarify that when application for a permit or permit modification is made electronically, only one copy is necessary.

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-1.603, F.A.C., to provide that any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413 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: Martha A. Moore, 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:

40D-1.603 Permit Application Procedures.

(1) A permit application shall be:

(a) through (c) No change.

(d) Any requirement to submit multiple copies of an application shall not apply when the complete application package is received electronically through the District's electronic permitting process.

(2) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, 9-26-02,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to correct the stated number of days (from 14 days to 21 days) in which a person, whose substantial interests may be affected by proposed agency action on a water use permit, may file a petition for hearing on such water use permits; and to delete references to repealed rules. The effect will be to state correctly the time period in which petitions for a hearing may be filed.

SUBJECT AREA TO BE ADDRESSED: Amend Section 1.6 of the District's Basis of Review (BOR) for Water Use Permit Applications to state that interested persons have 21 days from receipt of notice of proposed agency action to file a petition for an administrative hearing and to delete references to repealed rules. Amend Rule 40D-2.091, F.A.C., to incorporate by reference the revised BOR.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Martha A. Moore, 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:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Part B, "Basis of Review" (_____) (~~8/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area populations in the Southern Water Use Caution Area (1/07), of the Water Use Permitting Manual;

(2) No change.

(3) "Irrigation Water Use Form – Annual Crops" Form 46.20-010 WUP-10 (10/01);

(4) "Irrigation Water Use – Annual Recreational/Aesthetic/Golf" Form 46.20-009 WUP-11 (10/01);

(5) "Irrigation Water Use – Summer/Fall Seasonal", 46.20-011 WUP-13 (10/01); and

(6) "Irrigation Water Use – Winter/Spring Seasonal", 46.20-012 WUP-12 (10/01).

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07,_____.

Water Use Permit Information Manual
 Part B, Basis of Review

1.6 APPLICATION REVIEW PROCESS

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant's responsibility to provide the information requested. Staff will notify the Applicant when all information has been received and the application is complete. Once the application is complete, the District must issue or

deny the permit within 90 days. Typically, permits authorizing withdrawals <500,000 gpd will be issued or denied within 60 days.

The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual average withdrawals ≥500,000 gpd. District staff typically issues permits authorizing withdrawals of <500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 21 ~~44~~ days of receipt of the proposed agency action. Procedures for filing a petition for hearing are described in Chapter 120, F.S., and Chapter 28-106, F.A.C. Part V of Chapter 40D-1, F.A.C. (See Rules 40D-1.521 and 40D-1.571, F.A.C.) If no petition for hearing ~~objection~~ is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations.

For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 21 ~~44~~ days of receipt of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

General water use permits may be issued by District staff for applications which meet the following criteria:

1. The average annual daily withdrawal is less than 500,000 gpd;
2. The application meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C.

Amended 1-1-07, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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| RULE NOS.: | RULE TITLES: |
| 40D-4.331 | Modification of Permits |
| 40D-4.351 | Transfer of Permits |
| 40D-4.381 | General Conditions |

PURPOSE AND EFFECT: The purpose of this rulemaking is to establish a process in Environmental Resource Permitting rules to allow the completed phase of permitted surface water management system construction project to be transferred to the operation phase prior to completion of the entire project. The effect of the rule revisions will be to establish a uniform procedure whereby permittees may request that independently

functioning phases of a construction project authorized by an ERP be transferred to the operation phase and to the responsible operation and maintenance entity while allowing the originally issued permit to remain active until completion of construction of the entire project. Minor amendments are also made to the ERP general conditions concerning requirements for transferring a construction permit to the operation phase.

SUBJECT AREA TO BE ADDRESSED: Amend Rule 40D-4.331, F.A.C., to provide that a request to transfer an independently functioning portion of a permitted system to operation phase shall include an application for formal modification of the construction permit. Amend Rule 40D-4.351, F.A.C., to provide that a request to transfer a constructed portion of a permitted system to operation phase shall include information demonstrating that the constructed portion is capable of functioning independently in compliance with permit conditions. Amend Rule 40D-4.381, F.A.C., to revise the general conditions for ERPs to clarify that in order to transfer responsibility for operation and maintenance of a permitted surface water management system, the Permittee shall complete, at a minimum, compensation for impacts to wetlands or other surface waters as well as construction of the surface water management system, and that the permit will not be transferred to the operation and maintenance entity until the operation phase becomes effective.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426, 373.429, 403.805 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: Martha A. Moore, 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:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or letter modification:

(a) Formal modifications. ~~By formal application and review using the same criteria as new applications, pursuant to Rules 40D 4.101, 40D 4.301, and 40D 4.302, F.A.C., unless~~

the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the form “General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects”, adopted by reference in Rule 40D-1.659, F.A.C.

1. Except for those projects meeting the criteria for letter modifications in subsection (b), an alteration of the design of the surface water management system shall be reviewed in accordance with the same criteria as new applications pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using District Form No. LEG-R.001.00(2/05), adopted by reference in Rule 40D-1.659, F.A.C.

3. A request to transfer an independently functioning portion of a permitted system to operation phase shall include an application for formal modification of the construction permit to identify the constructed phase separate from the remaining unconstructed project.

(b) Except for projects identified in subsection (2)(a), applications to modify a permit may be made by letter, provided the requested modification does not:

- 1. through 6. No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 403.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, _____.

40D-4.351 Transfer of Permits.

- (1) No change.
- (2) Conversion to Operation Phase.
- (a) through (c) No change.

(d) A request to transfer a portion of a permitted system to operation phase shall include a demonstration by the applicant that the constructed portion of the system is capable of functioning independently in compliance with all conditions for permit issuance. Such a request shall be accompanied by a formal application to modify the existing construction permit to identify the constructed phase separate from the remaining unconstructed project. The 45 day time period allowed to convert a construction permit to operation phase shall not commence until the formal modification of the construction permit is issued.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95, 7-22-03, 2-1-05, 5-4-05, _____.

40D-4.381 General Conditions.

(1) The following general conditions shall be a part of all permits issued pursuant to this chapter and Chapter 40D-40, F.A.C.

(a) through (g) No change.

(h) The permittee shall complete, at a minimum, construction of all aspects of the surface water management system, including wetland compensation for impacts to wetlands or other surface waters (grading, mulching, planting), compensation for floodplain encroachment or loss of historic basin storage, water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system and prior to transfer of responsibility for operation and maintenance of the system to a local government or other responsible entity.

(i) through (k) No change.

(l) Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to conversion to operation phase and the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.

(m) through (n) No change.

(o) The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions in subsection (1) above, the District in accordance with subsections 2.6 through 2.6.3 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit shall may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until the permit is transferred pursuant to subsection 2.6.1 of the Basis of Review, adopted by reference in Rule 40D-4.091, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(p) through (x) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History—Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(7), 16J-4.11, 16J-4.10(3), Amended 10-1-84, 3-1-88, 10-3-95, 10-16-96, 10-11-01, 2-19-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.001
 RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The handbook update contains corrected instructions for entering the National Provider Identifier and expanded instructions on entering the National Drug Code for injectable medications on the claim form. The effect will be to incorporate by reference in rule Update November 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, October 23, 2007, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007 and November 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider

Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History–New 10-1-03, Amended 7-2-06, 3-7-07, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.: 63E-7.013, 63E-7.016
 RULE TITLES: Safety and Security, Program Administration

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders.

SUBJECT AREA TO BE ADDRESSED: The rule sections address safety and security in the physical plant, daily operations, and in crisis situations. In addition to physical security features, key control, escape prevention and control of contraband, the rule addresses facility staffing and supervision, offender classification, controlled observation, transportation, mail and visitation, and other aspects of a safe and secure facility environment. The rule also addresses program administration, including required reporting, the keeping of logbooks, records management, audit and review, and staff evaluation.

SPECIFIC AUTHORITY: 985.64, 985.601(3)(a), 985.441(1)(b), 985.03(44) FS.

LAW IMPLEMENTED: 985.601(3)(a), 985.441(1)(b) FS.

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

DATE AND TIME: Thursday, October 25, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel’s Conference Room 3200, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-13.0046
 RULE TITLE: Citation Authority
 PURPOSE AND EFFECT: The Board proposes the rule amendment to add as a citation offense to pay the one-time fee by February 28, 2008.
 SUBJECT AREA TO BE ADDRESSED: Citation authority.
 SPECIFIC AUTHORITY: 456.077, 466.004(4) FS.
 LAW IMPLEMENTED: 456.072(3)(a), 456.077 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Environmental Health

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 64E-5.101 | Definitions |
| 64E-5.103 | Records |
| 64E-5.106 | Units of Exposure and Dose |
| 64E-5.316 | Control of Access to High Radiation Areas |
| 64E-5.317 | Control of Access to Very High Radiation Areas |
| 64E-5.501 | Definitions |
| 64E-5.502 | General Requirements |
| 64E-5.507 | Therapeutic X-Ray Systems of Less Than 1 MeV |
| 64E-5.508 | X-Ray and Electron Therapy Systems with Energies of 1 MeV and Above |
| 64E-5.511 | Registration of Radiation Machines |
| 64E-5.801 | Registration Requirements |
| 64E-5.802 | General Requirements for the Issuance of a Registration Certificate for Particle Accelerators |
| 64E-5.803 | Particle Accelerators for Therapeutic Use on Humans |

PURPOSE AND EFFECT: There have been no substantive changes to the rules affecting radiation therapy in at least 13 years. In that time, the use of such machines has changed, and new technologies, such as the miniature x-ray tubes used in electronic brachytherapy, have been created. The purpose of

this development is to review those rules and amend and/or adopt new rule language as necessary to address radiation therapy practices, procedures, personnel and equipment, and also to ensure compliance with current statutory requirements. A new Part XVI will be established for therapeutic radiation machines and most existing rules in other Parts of Chapter 64E-5, F.A.C., that are related to therapeutic radiation machines or radiation therapy will be amended or moved to Part XVI.

SUBJECT AREA TO BE ADDRESSED: Radiation therapy machines and associated devices and equipment; radiation therapy simulation systems; installation, maintenance & repair; general administrative and facility requirements; shielding and safety design; technical requirements; safety procedures; radiation protection devices; personnel licensure, education, training and supervision; quality assurance/management; authorized users; radiation safety committee; radiation safety officer; radiation protection program, including authority and responsibilities; surveys and survey instruments; calibration; definitions; forms; registration; records; notifications; reporting; signage; posting; written directives; mobile services; dosimetry; and computer systems.

SPECIFIC AUTHORITY: 404.022, 404.051, 404.071, 404.081, 404.131, 404.141, 404.22 FS.

LAW IMPLEMENTED: 404.022, 404.031, 404.051, 404.071, 404.081, 404.091, 404.101, 404.131, 404.141, 404.161, 404.162, 404.163, 404.22 FS.

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

DATE AND TIME: October 23, 2007, 10:30 a.m. – 11:30 a.m.
 PLACE: 4042 Bald Cypress Way, Room 240P, Tallahassee, FL
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: James Futch, Bureau of Radiation Control, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James Futch, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266; James_Futch@doh.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: RULE TITLES:
 64F-18.002 Definitions
 64F-18.003 Procedure

PURPOSE AND EFFECT: The Department proposes to amend the existing rules.

SUBJECT AREA TO BE ADDRESSED: The amendments affect definitions and the procedures for insulin distribution.

SPECIFIC AUTHORITY: 385.204 FS.

LAW IMPLEMENTED: 385.204 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: Sarah Cawthon, Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-18.002 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain ~~as evidenced by self-declaration.~~

(2) "Current prescription" means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine within 3 months of application and effective for up to no more than 6 12 months after it is written. The prescription must be written by a licensed health care practitioner authorized by law to prescribe medicine and include the following information:

- (a) Person's name (printed or typed);
- (b) Person's date of birth;
- (c) Physician's state license number;
- (d) Physician's name (printed or typed);
- (e) Physician's phone number;
- (f) Date of prescription;
- (g) Type of insulin to be issued;
- (h) Medication dosage;
- (i) Amount of medication to be issued at each visit – up to a three month supply;
- (j) Whether and how many refills are allowed.

(3) "Designated agent" means any pharmacy that has entered into a written agreement with a county health department to provide insulin to approved insulin distribution program participants.

(4) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law or conception. A single adult, over 18, living with relatives is considered to be a separate family.

~~(5)~~(4) "Federal poverty guidelines" mean the poverty guidelines defined by subsection 64F-16.001(7), F.A.C.

(6) "Gross family income" means the sum of income available to a family at the time of application. Gross family income is based on all income to be earned or received or anticipated to be earned or received in a current month. Gross family income does not include Supplemental Security Income (SSI) or any income received by the SSI eligible individual(s) and any income received by the minor sibling(s) of the eligible individual(s). Gross family income includes the following:

- (a) Wages and salary;
- (b) Child support;
- (c) Alimony;
- (d) Unemployment compensation;
- (e) Worker's compensation for lost income;
- (f) Veteran's pension;
- (g) Social Security;
- (h) Pension or annuities;
- (i) Dividends, interest on savings, stocks or bonds;
- (j) Income from estates or trusts;
- (k) Net rental income or royalties;
- (l) Net income from self-employment;
- (m) Contributions;
- (n) Public assistance or welfare payments;
- (o) Cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family;
- (p) Other case income.

(7) "Net family income" means gross family income minus the standard work-related, child care and child support expenses or deductions as used in determining presumptive eligibility for Medicaid.

~~(8)~~(5) "Self declaration" means a written statement regarding assets, insurance coverage, income, family size and ~~or~~ residency made by a person applying for the insulin distribution program services. Self-declaration does not include any documentation other than the signature of the person making the statement. The self-declaration statement that the department requires under this chapter shall include a signed acknowledgement by the applicant that the statement is true at the time it is made and that the applicant understands that the county health department provider shall have the option of verifying the information provided statement.

(9) "Verification" means to confirm the accuracy of information through sources other than the self-declaration statement of the individual that originally supplied the information.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History--New 12-19-00, Amended.

64F-18.003 Procedure.

(1) A person wishing to participate in the insulin distribution program can obtain an application from any county health department. The application is form number DH2105, 3/07, 4/0/00, "Insulin Distribution Program Application Form" which is incorporated herein by reference. A copy of this form can be obtained from any ~~local~~ county health department or its designated agent.

(2) Every 12 months a client must submit a completed application to the county health department or designated agent of the department who will approve the application based upon the following criteria:

(a) The applicant must be a bona fide Florida resident;

(b) The applicant must be unable to pay for insulin because the applicant:

1. Is uninsured, or lacking insurance that provides coverage for ~~would reimburse the applicant for~~ insulin, and

2. Has a net family income at or below 100% of Federal poverty guidelines, and

3. Has no more than \$2,500 per family in private funds, bank accounts or assets other than their homestead to defray the cost.

(c) The applicant must submit a current prescription for insulin; ~~and~~

(d) The applicant must self-declare assets, insurance coverage, family size and residency.

(e) The applicant must sign a statement of income, specifying all gross income available to the applicant and the number of people dependent upon that income. The statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the CHD will attempt to verify the statement.

(3) The county health department will verify the applicant's income as follows:

(a) Verification may be made by telephone, in written form, or by face to face contact. Verification does not require written documentation to confirm an applicant's statement. Verification can include:

1. A statement from a government agency which attests to the applicant's financial status.

2. A statement from the applicant's or family member's employer.

3. Pay stubs for four consecutive weeks.

4. A statement from a source providing unearned income to the applicant or family unit.

(b) If the CHD is unable to verify wages paid or an employer will not verify wages paid, the statement provided by applicant may be accepted as accurate.

(c) If the applicant declares zero income, the CHD may require the applicant to describe in detail their living circumstances and how they obtain basic necessities such as food, shelter, clothing, medical care, and transportation.

(4) The county health department has authority to make the final determinations of eligibility for the insulin distribution program.

(5)(4) If the Department of Health's pharmaceutical budget permits, applicants or current insulin distribution program clients with a net family income of 101-200% of Federal poverty guidelines that meet the requirements in paragraph (2)(a), and subparagraphs (2)(b)1. and 3. above will be eligible for the insulin distribution program or to continue in the program and receive insulin at reduced cost based on a sliding fee scale as set forth in Chapter 64F-16, F.A.C.

(6)(e) If an otherwise unqualified applicant, as defined above, is temporarily without current financial resources to purchase insulin, the county health department may provide a one month supply of insulin to this applicant once annually.

(7)(3) If at any time the applicant experiences a change in status, which could affect his or her eligibility, the applicant must report this change to the county health department within thirty days of this change.

(8)(4) The county health department will assist clients receiving insulin through this program, who become or are found to be ineligible, in locating another source of insulin. The county health department will continue to provide insulin to the client until another source can be found for up to 1 year after the determination of ineligibility.

(9)(5) County health departments or their designated agents will maintain records regarding their dispensing of insulin under this program for five years. These records shall include a copy of the Insulin Distribution Program Application Form and a copy of the applicant's prescriptions for insulin.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History--New 12-19-00, Amended.

DEPARTMENT OF HEALTH

Vital Statistics

RULE NOS.:

64V-1.011

64V-1.015

RULE TITLES:

Burial-Transit Permit to be Issued

Termination of Pregnancies;

Reporting

PURPOSE AND EFFECT: Purpose of proposed amendment is to add language allowing for the issuance of a burial transit report which can be printed from the Department's electronic death registration system and used in lieu of a burial transit permit. Also repealing the rule requiring reporting of Termination of Pregnancies to the department as such reporting will be transferred to the Agency for Healthcare Administration, as agreed between the two departments.

SUBJECT AREA TO BE ADDRESSED: Burial Transit Permit and Termination of Pregnancy Reporting.

SPECIFIC AUTHORITY: 382.003(7), (10), 382.006, 381.0011(13) FS.

LAW IMPLEMENTED: 382.006, 382.003(7), 390.112 FS.

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

DATE AND TIME: October 23, 2007, 10:00 a.m.

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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Wright, Operations Manager, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042, (904)359-6900, ext. 1004

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

FLORIDA HOUSING FINANCE CORPORATION

| | |
|-------------------|--|
| RULE NOS.: | RULE TITLES: |
| 67-32.002 | Definitions |
| 67-32.004 | General Program Restrictions |
| 67-32.005 | Application Procedures |
| 67-32.006 | Terms and Conditions of Loan |
| 67-32.007 | Scoring, Ranking, and Funding Guidelines |
| 67-32.009 | EHCL Credit Underwriting Procedures |
| 67-32.011 | Fees |

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(d), Florida Statutes, the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: October 22, 2007, 10:30 a.m.

PLACE: Florida Housing Finance Corporation, Closing Room A, 227 North Bronough Street, Tallahassee, Florida 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jody Bedgood (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Derek Helms, EHCL Administrator. The preliminary text of the proposed rule development is available on Florida Housing Finance Corporation's web site, www.floridahousing.org

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

| | |
|------------------|--|
| RULE NO.: | RULE TITLE: |
| 68B-14.005 | Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation |

PURPOSE AND EFFECT: Participants in the black sea bass fishery have requested a volumetric equivalency for the current specifications on black sea bass traps similar to the existing equivalency provision in the stone crab and blue crab rules for traps for these species. The purpose of this rule amendment is to allow for a less narrowly-defined configuration for black sea bass traps for the commercial harvest of black sea bass. The effect will be to allow the legal use of black sea bass traps to 8 cubic feet in volume.

SUBJECT AREA TO BE ADDRESSED: Black sea bass traps.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General

Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Section II
Proposed Rules

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

- (1) Allowable gear.
 - (a) No change.
 - (b) 1. The outer dimensions do not exceed 2 feet in height, 2 feet in width, and 2 feet in depth or a volume of 8 cubic feet, and the throat or entrance does not exceed 5 inches in height and 2 inches in width at its narrowest point.
 - 2. through 6. No change.
 - (2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, 7-17-05, 7-1-07, _____.

DEPARTMENT OF MILITARY AFFAIRS

RULE NO.: 70-1.001
 RULE TITLE: Family Readiness Program
 PURPOSE AND EFFECT: The purpose of the proposed rule is to establish an application form to be used by all applicants requesting assistance from the Family Readiness Program, with the effect of ensuring that all applications for assistance are processed using one standardized format.
 SUBJECT AREA TO BE ADDRESSED: Family Readiness Program Application Form.
 SPECIFIC AUTHORITY: 250.5206(8) FS.
 LAW IMPLEMENTED: 250.5206 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: Lieutenant Colonel Elizabeth Masters, at (904)823-0132

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR FROM THE Department of Military Affairs Open Government web site located at www.dma.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-14.003
 RULE TITLE: Definitions
 PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.003, F.A.C., is to define additional terms used to implement Section 849.094, F.S.
 SUMMARY: Rule 5J-14.003, F.A.C., defines terms used in the administration of the game promotion statute.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 849.094(8) FS.
 LAW IMPLEMENTED: 849.094(1), 849.094(3), 849.094(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Tuesday, October 30, 2007, 1:00 p.m.
 PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Miriam S. Wilkinson, Assistant Director, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)488-2221

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-14.003 Definitions.

(1) “Commencement of the game promotion” shall mean the date the game promotion begins which is disclosed in the filing made to the Department pursuant to Section 849.094(3), Florida Statutes.

(2) As used in these rules, “element” shall mean:

(a) A unique component of a contest, game of chance, or gift enterprise;

(b) Which is allocated to a single participant by operation of the rules of the contest, game of chance, or gift enterprise; and