

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: This amendment proposes to reclassify the Body B shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Body B shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Body B shellfish harvesting area for shellfish harvesting is in accordance with 5L-1.003 to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

DATE AND TIME: January 7, 2008, 4:00 p.m. – 6:00 p.m.
PLACE: Titusville City Public Library, 2121 South Hopkins Ave, Room #2, Titusville, Florida 32780

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone: (850)488-4033

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401
RULE TITLE: Student Performance Standards

PURPOSE AND EFFECT: The purpose of the rule development workshops is to provide an opportunity for the public (including educators, administrators, students and parents) to provide input on the revisions to the K-12 Science Sunshine State Standards. The workshop will give an opportunity for DOE personnel and members of the standards writing team to explain and describe the revision process as well as allow for questions from the audience on the revised Science standards. The effect of the meeting will be a better informed public on how the science standards revision process was conducted as well as answering questions attendees may have regarding the revised mathematics standards.

SUBJECT AREA TO BE ADDRESSED: Revised Sunshine State Standards – Science.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

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

DATES AND TIMES: January 3, 2008, 5:30 p.m. – 7:00 p.m.
 January 8, 2008, 5:30 p.m. – 7:00 p.m.

PLACE: January 3, 2008 – The Schultz Center for Teaching and Leadership, 4019 Boulevard Center Drive, Jacksonville, FL 32207; (904)348-5757

January 8, 2008 – Everglades High School, 17100 S. W. 48 CT., Miramar, FL 33025; (754)323-0500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Todd Clark, Deputy Director, Florida’s Office of Mathematics and Science, Department of Education, 325 West Gaines Street, Room 501, (850)245-0764, todd.clark@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.094221
RULE TITLE: Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion

PURPOSE AND EFFECT: The purpose of this rule revision is to provide guidance relating to the statewide public school student progression law eliminating social promotion, by including the Stanford Achievement Test (SAT)-10 as an alternative assessment for students scoring at Level 1 on the grade three Florida Comprehensive Assessment Test (FCAT). Since the original rule development, the FCAT Norm Referenced Test (NRT) has changed from SAT-9 to SAT-10. The effect of this rule revision will be that students who score

at Level 1 on the grade three FCAT Reading may be promoted to grade four if an acceptable level of performance is demonstrated on the alternative assessment, SAT-9 or SAT 10.
SUBJECT AREA TO BE ADDRESSED: Reading and Assessment.

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Evan Lefsky, Executive Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida; (850)245-9529

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.0331 **RULE TITLE:** Florida Public Postsecondary Career Education Student Assistance Grant

PURPOSE AND EFFECT: The purpose of this rule is to implement the Florida Postsecondary Career Education Student Assistance Grant. The effect will be to ensure that clear eligibility requirements are stated as well as provisions relating to the award of the grant and institutional responsibilities for reporting.

SUBJECT AREA TO BE ADDRESSED: Student Financial Assistance through the Florida Public Career Education Grant.

SPECIFIC AUTHORITY: 1009.21, 1009.40, 1009.42, 1009.505 FS.

LAW IMPLEMENTED: 1009.21, 1009.40, 1009.42, 1009.505 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: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

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

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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101 **RULE TITLE:** Public Information and Inspection of Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC1-201, Invoice for Production of Records for clarity regarding redaction of confidential and/or exempt material.

SUBJECT AREA TO BE ADDRESSED: Public information and inspection of records.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records. (1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 12-5-05.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History--New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify that in order to be considered as timely, an application to renew a permit must be received by the District not later than the expiration date of the permit to be renewed. The effect will be to clarify when permit renewal applications must be received in order to avoid having a permit expire.

SUBJECT AREA TO BE ADDRESSED: District Permitting Procedures.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.116, 373.118, 373.229, 373.413, 120.60(4) 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) No change.

(2) No later than 30 days after receipt of an initial application or ~~modification~~ of an application for renewal or modification of an individual surface water management permit, an individual Environmental Resource Permit or an individual water use permit application for withdrawals of 500,000 gpd annual average daily or greater pursuant to Chapter 40D-2, F.A.C., the District shall publish notice thereof in a newspaper having general circulation as defined in Chapter 50, F.S. Upon receipt of an application for an initial or renewal or modification of a general Environmental Resource Permit pursuant to Chapter 40D-40, F.A.C., a general surface water management permit pursuant to Chapter 40D-40, F.A.C., (January 11, 1993) or a noticed general surface water management permit pursuant to Chapter 40D-400, F.A.C., or for a general water use permit for less than 500,000 gpd annual average daily pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof in the District's headquarters and in each of the District's service offices. In the event that after posting of notice an application for a general permit is modified such that it is an application for an individual permit,

notice of the application shall be published in a newspaper as provided above. In addition, the District shall provide a letter giving notice of receipt of the application to any person who has filed a written request within the immediately preceding six months for notification of any pending applications affecting the particular designated area. Each notice and letter shall state that interested persons shall have the opportunity to inspect a copy of the application and submit written comments concerning the application. The District may request persons submitting objections or comments to furnish additional information. In addition, each notice and letter will advise that if notice of agency action or opportunity to request an administrative hearing pursuant to Chapter 120, F.S., regarding a permit application is desired, a written request referencing the permit application number must be filed with and received by the Processing and Records Section by the date specified in the letter, newspaper notice or the posted notice as applicable pursuant to this subsection. The date specified in such notice or letter to obtain notice of agency action or to request a hearing shall be no less than ~~that~~ 14 days from the date of mailing, publication or posting as applicable. Upon request, the District will provide the applicant with a copy of all objections and comments received.

(3) through (7) No change.

(8) Holders of renewable licenses or permits shall make timely and sufficient application for renewal so as to avoid expiration during the renewal process. Application for a license or permit renewal is timely only if actually received at the District prior to expiration of the existing license or permit. Mailing the application does not constitute receipt by the District. When timely and sufficient application for renewal is made, the existing license or permit shall not expire until the application for renewal has been finally acted upon by the District, or if the license or permit is denied or the terms of the license or permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413, 120.60(4) F.S. 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-1.659
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference an Electronic Transaction Agreement form approved by the District Governing Board. The effect will be to establish the standard procedures to be used by persons who wish to communicate electronically with the District.

SUBJECT AREA TO BE ADDRESSED: Agency Forms.
SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 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-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUNDWATER

(1) through (25) No change.

SURFACE WATER

(1) through (14) No change.

OTHER

(1) ELECTRONIC TRANSACTION AGREEMENT, FORM LEG-R .014.00 (11-07).

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00,10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07,_____.

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 incorporate by reference a revised Water Use Permit Information Manual, Part B, "Basis of Review" (BOR). The effect will be to delete former BOR subsection 1.14 Permit Compliance, which describes an outdated permit compliance process.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

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) Water Use Permit Information Manual Part B, "Basis of Review (_____) (10/07) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (5) No change.

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, 10-1-07, 10-22-07, 11-25-07,_____.

Water Use Permit Information Manual
Part B, Basis of Review

1.14 PERMIT COMPLIANCE

Pumpage in excess of the amount permitted is a violation of the permit. The District generally addresses

this violation according to the following procedures.

If over-pumpage is reported, District staff will issue a Notice of Noncompliance and request that the Permittee provide a written response, which includes an explanation of the over-pumpage, within 30 days of issuance of the Notice of Noncompliance, which will be placed in the permit file. If the Permittee timely responds to the Notice of Noncompliance and demonstrates that the recurrence of over-pumpage is due to a calculation or reporting error or a one-time occurrence (such as

a pipeline break) and is unlikely to reoccur and no adverse impacts have occurred, the overpumpage will be excused and no enforcement action will be taken. If overpumpage is not due to a calculation or reporting error or other one-time occurrence and is ongoing, the Permittee must include in its written response a description of actions being taken to bring water withdrawals into compliance. Compliance could involve, among other things, reducing pumpage, mitigating any adverse impacts caused by overpumping or obtaining, if permissible, a modification of the permit for an increased withdrawal quantity. If the Permittee does not adequately address the overpumpage and bring pumpage into compliance in a timely manner, further enforcement action will be taken by the District. Enforcement action includes but is not limited to the assessment of monetary penalties and recovery of District enforcement-related costs. Once corrected, if unexcused overpumpage occurs again during the permit duration, the District will proceed directly to enforcement action. If the District determines that the Permittee is likely to need an increase in the quantity permitted, the Permittee must submit an application for modification of the permit. If the Permittee continues to exceed the quantities permitted without obtaining a modification, the District may then take appropriate enforcement action. If the permit is due for renewal within 1 year of the violation, and no adverse impacts are expected as a result of the over pumpage, the modification may be addressed at renewal.

Agricultural water use quantities are determined using the District's irrigation ~~agricultural~~ water use permitting model. The permitted quantities derived from this model are based on various climatic scenarios a 2 in 10 year drought occurrence. It is therefore anticipated that, because of varying climatic conditions and other factors, an agricultural permittee's water use may vary both below, and occasionally above, the permitted quantity. These factors will be taken into consideration when comparing actual use with permitted quantities.

The District will also issue Notices of Noncompliance and undertake comparable compliance or enforcement action for other permit condition violations, such as nonsubmittal of pumpage meter readings, monitoring and other required reports; and failure to mitigate adverse impacts resulting from water use.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.361	Renewal of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to clarify when renewal applications must be submitted in order to avoid having a permit expire and to incorporate a

revised Water Use Permitting Manual Part B, Basis of Review (BOR). The effect of the amendments will be to make Rule 40D-2.361(1), F.A.C., consistent with Rule 40D-1.603, F.A.C., which is also being amended to clarify that in order to be considered as timely, an application to renew a permit must be received by the District not later than the expiration date of the permit to be renewed. Amendments are made to Section 1.11 of the BOR to reference Rule 40D-1.603(8), F.A.C., correct typographical errors, and conform the language to subsection 120.60(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.103, 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) Water Use Permit Information Manual Part B, "Basis of Review () (~~40/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (5) No change.

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, 10-1-07, 10-22-07, 11-25-07,_____.

40D-2.361 Renewal of Permits.

(1) Applications for renewal of permits shall be made no earlier than 1 year and should be made no later ~~than that~~ 90 days prior to the expiration date of the permit. Application for

a permit renewal is timely only if actually received at the District prior to expiration of the existing permit. Mailing the application does not constitute receipt by the District.

(2)(a) Subsection (1) above shall be applicable to those permits which are not extended pursuant to subsection 40D-2.321(6)(5), F.A.C., based on the expiration date on the face of the permit.

(b) Subsection (1) above shall be applicable to those permits which are extended pursuant to subsection 40D-2.321(6)(5), F.A.C., based on the revised expiration date assigned to the permit.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.103, 373.239 FS. History--Readopted 10-5-74, Formerly 16J-2.14(2), Amended 9-1-84, 10-1-89, 7-2-98, 7-28-98,_____.

**WATER USE PERMIT INFORMATION MANUAL PART B,
BASIS OF REVIEW
1.0 PERMITTING PROCEDURES**

1.11 RENEWAL OF PERMITS

1. Applications for permit renewal may be made at any time within 1 year prior to permit expiration, except as provided in Basis of Review Section 1.12. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date. Permits for which renewal applications have been timely submitted consistent with the provisions of subsection 40D-1.603(8), F.A.C., and that are under evaluation by the District shall remain in force past the expiration date until final action is taken by the District, or if the permit is denied or the terms of the permit limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

2. Subsection 1. above shall be applicable to those permits which are not extended pursuant to Rule 40D-2.321(6)(5), F.A.C., and Section 1.9 above, based on the expiration date on the face of the permit.

3. Subsection 1. above shall be applicable to those permits which are extended pursuant to Rule 40D-2.321(6)(5), F.A.C., and Section 1.9 above, based on the revised expiration date assigned to the permit.

Amended 1-1-07, Revised 8-23-07,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.801	Water-Use Caution Areas

PURPOSE AND EFFECT: The purpose of these rule amendments is to correct the legal description of the Northern Tampa Bay Water Use Caution Area (NTBWUCA) appearing in Rule 40D-2.801(3), F.A.C., and incorporate by reference a revised Water Use Permit Information Manual Part B, Basis of

Review (BOR). Section 7.3 of the BOR is revised to delete an unnecessary sentence in the lead paragraph describing the NTBWUCA. The effect will be to correctly include that portion of Section 24, Township 29, Range 19 north of State Road 60 within the legal description of the NTBWUCA, and eliminate a potentially unclear sentence.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

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) Water Use Permit Information Manual Part B, "Basis of Review (____)(10/07) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);
- (2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171, F.S. 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, F.S. 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, 10-1-07, 10-22-07, 11-25-07,_____.

40D-2.801 Water-Use Caution Areas.

- (1) through (2) No change.

(3) The regions described in this Rule have been declared Water Use Caution Areas by the District Governing Board. The Rule reaffirms the declaration of Water Use Caution Areas and creates conditions applied to water users in those areas.

(a) Northern Tampa Bay Water Use Caution Area. To address ground water withdrawals that have resulted in lowering of lake levels, destruction or deterioration of wetlands, reduction in streamflow, and salt water intrusion, the Governing Board declared portions of northern Hillsborough County, southwestern Pasco County, and all of Pinellas County a Water Use Caution Area on June 28, 1989, pursuant to Resolution Number 934. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007.

1. The boundary for the Northern Tampa Bay Water Use Caution Area is as follows:

All of Pinellas County;

All of Pasco County;

That portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 27, Range 17: All Sections;

Township 27, Range 18: All Sections;

Township 27, Range 19: All Sections;

Township 27, Range 20: All Sections;

Township 27, Range 21: All Sections;

Township 27, Range 22: All Sections;

Township 28, Range 17: All Sections;

Township 28, Range 18: All Sections;

Township 28, Range 19: All Sections;

Township 28, Range 20: All Sections;

Township 28, Range 21: All Sections;

Township 28, Range 22: All Sections;

Township 29, Range 17: All Sections;

Township 29, Range 18: All Sections;

Township 30, Range 17: All Sections;

Township 30, Range 18: All Sections;

Township 29, Range 22: All Sections North of State Road 60;

Township 29, Range 21: All Sections North of State Road 60;

Township 29, Range 20: All Sections North of State Road 60;

Township 29, Range 19: Section 24 North of State Road 60 and all remaining Sections except 22, 23, 25, 26, 27 and 34 through-36.

2. through 3. No change.

(b) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.0395, 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223, FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07.

WATER USE PERMIT INFORMATION MANUAL, PART B
BASIS OF REVIEW

7.0 WATER USE CAUTION AREAS

7.3 NORTHERN TAMPA BAY WATER USE CAUTION AREA

The Governing Board originally declared portions of Hillsborough and Pasco Counties, and all of Pinellas County a Water Use Caution Area (WUCA) on June 28, 1989. The Governing Board approved expansion of the boundaries of the Water Use Caution Area in June 2007. The area designated is shown in Figure 7.3-1; the legal description is provided in paragraph 40D-2.801(3)(a), F.A.C. As of the effective date of this rule, all existing water use permits within the Water Use Caution Area are modified to incorporate the applicable measures and conditions described below. Valid permits, legally in effect as of the effective date of this rule, are hereafter referred to as existing permits. Existing permits within those portions of the Water use Caution Area added in 2007 shall have until July 1, 2008 to comply with the provisions of this rule. Applicable permit conditions, as specified below, are incorporated into all existing water use permits in the Water Use Caution Area and shall be placed on new permits issued for withdrawals located within the Area. ~~However, both the language and the application of any permit conditions listed may be modified when appropriate.~~

These portions of the Basis of Review for the Northern Tampa Bay Water Use Caution Area are intended to supplement the other provisions of the Basis of Review and are not intended to supersede or replace them. If there is a conflict between requirements, the more stringent provision shall prevail.

1. through 8. No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To amend the rules to provide clarity and certainty regarding water allocation for the Lake Okeechobee Service Area. Specifically, the District proposes to establish use classifications for water supply and to clarify the public interest test for this service area.

SUBJECT AREA TO BE ADDRESSED: Use classifications and the public interest test.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: December 17, 2007, 1:00 p.m.

PLACE: Palm Beach County Cooperative Extension Service Exhibit Hall B (near Mounts Botanical Garden), 559 N. Military Trail, West Palm Beach, FL 33415-1311

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Keith Smith, Deputy Department Director, Water Supply Department, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6620 or (561)682-6620, email: ksmith@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: To provide clarity and certainty regarding water allocation for the Lake Okeechobee Service Area. Specifically, the District proposes to establish use classifications for water supply and to clarify the public interest test for this service area.

SUBJECT AREA TO BE ADDRESSED: Basis of Review for Water Use Permit Applications within the South Florida Water Management District – Use classifications and the public interest test.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
 LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

DATE AND TIME: December 17, 2007, 1:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marjorie Craig, Water Supply Department Director, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 2987 or (561)682-2987, email: craig@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-18.011
 RULE TITLE: Definitions

PURPOSE AND EFFECT: Purpose and effect is to add a new definition for “principal officers of the business organization” for purposes of Section 471.023 F.S.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.005(6), 471.013(1)(a)1., 2., 471.025(3), 471.033(1)(j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.015
 RULE TITLE: Compliance with Mandatory Florida Building Code Training; Continuing Education

PURPOSE AND EFFECT: Purpose and effect is to add a new rule governing Compliance with Mandatory Florida Building Code Training and Continuing Education in this area.

SUBJECT AREA TO BE ADDRESSED: Compliance with Mandatory Florida Building Code Training and Continuing Education in this area.

SPECIFIC AUTHORITY: 471.0195 FS.

LAW IMPLEMENTED: 471.0195 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: 61G15-30.001, 61G15-30.002, 61G15-30.003, 61G15-30.005, 61G15-30.006, 61G15-30.007, 61G15-30.009, 61G15-30.010
 RULE TITLES: Purpose, Definitions Common to All Engineer's Responsibility Rules, Minimum Requirements for Engineering Documents, Delegation of Engineering Documents: Obligations of the Engineer of Record, Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record, Prime Professional's Responsibility, Retention of Engineering Documents, Energy Conservation Compliance

PURPOSE AND EFFECT: The purpose and effect for 61G15-30.0004 is to establish a new rule for setting forth engineer responsibilities in the process of preparing data relative to energy conservation compliance; for Rule 61G15-30.001, F.A.C., it is to clarify and update existing language; for Rule 61G15-30.002, F.A.C., it is to add new categories of engineering definitions; for Rule 61G15-30.003,

F.A.C., it is to amend rule title and to add new requirements for engineering documents; for Rules 61G15-30.005 and 61G15-30.006, F.A.C., it is to amend rule title; for Rules 61G15-30.007 and Rule 61G15-30.009, F.A.C., it is to clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Energy Conservation Compliance; Purpose; Definitions Common to All Engineer's Responsibility Rules; Engineering Document Classification; Request for and Review of Delegated Engineering Documents; Delegated Engineer's Responsibility; Prime Professional's Responsibility; Retention of Engineering Documents.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.023, 471.025, 471.030, 471.033(1)(g),(j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-30.001 Purpose.

The Board has adopted these responsibility rules pursuant to Section 471.033(2), F.S., to safeguard the life, health, property and welfare of the public by promoting proper conduct in the practice of engineering and due care and regard for acceptable engineering principles and standards. The Board considers that professional engineers may avoid disciplinary actions by observing the procedures set forth herein. Failure to comply with these rules may be considered as noncompliance with subsection 61G15-19.001(4), F.A.C., unless the deviation or departure therefrom is justified by the specific circumstances of the project in question and the sound professional judgment of the engineer. Furthermore, these rules are intended to apply as general guidelines where no contractual relationship exists between the parties addressed herein. These rules are not intended to take precedence over contractual relationships developed between the parties addressed herein, so long as those contractual relationships do not violate Chapter 471, F.S., ~~or the stated purpose of these responsibility rules or any other rule promulgated pursuant thereto.~~ These responsibility rules shall apply to every person holding a certificate of registration as a professional engineer, every certified engineer intern, and every holder of a certificate of authorization, as appropriate. A professional engineer's practices, education, training, experience, qualifications, technical competence, conduct, and

responsibilities in connection with his authorized engineering practice, services, and creative work are subject to regulation solely by the Board of professional engineers, ~~and~~ the courts, and local jurisdictions.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1) FS. History–New 1-26-93, Formerly 21H-30.001, Amended _____.

61G15-30.002 Definitions Common to All Engineer’s Responsibility Rules.

(1) through (6) No change.

(7) “Engineering Documents Prepared for Public Record” are those documents filed for public record with the Authority Having Jurisdiction (AHJ) to determine compliance with Codes and Standards and to be used for execution of the project. These documents are required to be signed and sealed.

(8) Shop Drawings: Drawings depicting installation means and methods, catalog information on standard products, prepared by a contractor, manufacturers, or professional engineers for incorporation into the project which are prepared based on engineering direction contained in Engineering Documents. Shop drawings do not require the signature, date and seal of a professional engineer.

(9) Record Documents: Documents that are a compiled representation of the constructed project. If the engineer is relying on information provided by others not under the direct supervision and control of the engineer, then the engineer shall not be required to sign, date and seal these Documents. If relying on information by others, as a minimum, the following shall be included on the Documents:

(a) Statement that the documents are a compiled representation of the constructed project.

(b) Listing of the sources and basis of information used in the preparation of the Documents.

(c) Statement that the Documents are believed to be correct to the best of the engineer's knowledge, and that the accuracy of the information cannot be guaranteed.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1), 471.023, 471.025 FS. History–New 1-26-93, Formerly 21H-30.002, Amended _____.

61G15-30.003 Minimum Requirements for Engineering Documents Engineering Document Classification.

(1) Engineering Documents are prepared in the course of performing engineering services. When prepared for inclusion with an application for a general building permit, the Documents shall meet all Engineer's Responsibility Rules and be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Florida Building Code and relevant laws, ordinances, rules and regulations, as determined by the AHJ. The Documents shall include:

(a) Information that provides material specifications required for the safe operation of the system that is a result of engineering calculations, knowledge and experience.

(b) List Federal, State, Municipal, and County standards, codes, ordinances, laws, and rules, with their effective dates, that the Engineering Documents are intended to conform to.

(c) Information, as determined by the Engineer of Record, needed for the safe and efficient operation of the system.

(d) List engineering design criteria; reference project specific studies, reports, and delegated Engineering Documents.

(e) Identify clearly elements of the design that vary from the governing standards and depict/identify the alternate method used to ensure compliance with the stated purpose of these Responsibility Rules.

(2) Engineers shall legibly indicate their name and business address, on engineering documents. Engineering documents which are issued for preliminary or conceptual use, shall clearly note the intended purpose of such documents.

(3) When elements of the project are shown on an engineering document only for information or clarification and the Engineer does not intend to accept responsibility for the elements, the engineer shall clearly note on the documents the extent of his responsibility.

(4) Engineering drawings shall be legible and conform to good drafting practices. They must also comply with Chapter 61G15-23, F.A.C., Seals.

(5) Engineers shall clearly note on any preliminary engineering documents that such documents are not in final form, but are being transmitted to the public agency to receive agency reviews, comments and interpretations. The documents may subsequently be revised by the engineer to reflect resolution of issues with the public agency prior to final action by the agency. Changes, revisions and modifications to a project may prompt additional document submittal for agency approval action on the same project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025(3) FS. History–New 1-26-93, Formerly 21H-30.003, Amended _____.

61G15-30.005 Delegation of Engineering Documents: Obligations of the Engineer of Record Request for and Review of Delegated Engineering Documents.

(1) through (2) No change (The existing text on this rule already has the proper subsection numbers)

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History–New 1-26-93, Formerly 21H-30.005, Amended _____.

61G15-30.006 Delegation of Engineering Documents: Obligations of the Delegated Engineer of Record Delegated Engineer’s Responsibility.

(1) through (3) No change.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-30.006.

61G15-30.007 Prime Professional's Responsibility.

It is the responsibility of the prime professional engineer, where one exists, to retain and coordinate the services of such other professionals as needed to complete the services contracted for the project.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-30.007, Amended.

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed. These documents shall be maintained in any readily accessible format.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History--New 5-9-04, Amended.

61G15-30.010 Energy Conservation Compliance.

The engineer who prepares the compliance calculations, and certifies the accuracy thereof, shall verify that the building construction documents conform to compliance calculations. Data used in calculations shall be under the signature, date and seal of the responsible design professionals. The Engineer of Record for energy conservation compliance calculations shall retain the signed, dated and sealed data as provided for in Rule 61G15-30.009, F.A.C., Retention of Engineering Documents.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g), (j) FS. History--New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-33.001	General Responsibility
61G15-33.002	Definitions
61G15-33.003	Design of Power Systems
61G15-33.004	Design of Lighting Systems
61G15-33.005	Design of Communications Systems
61G15-33.006	Design of Alarm and Signaling Systems
61G15-33.007	Design of Lightning Protection Systems
61G15-33.008	Design of Grounding Systems
61G15-33.010	Certification of Electrical Systems of Public Interest

PURPOSE AND EFFECT: The purpose and effect for Rule 61G15-33.001, F.A.C., is to clarify existing language and to add tasks for which an Engineer of Record is responsible; for

Rule 61G15-33.002, F.A.C., it is to clarify and amend existing definitions, add a new definition for Electrical Delegated Engineering Documents and delete unnecessary language; for Rule 61G15-33.003, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to power systems; for Rule 61G15-33.004, F.A.C., it is to update existing language and add new requirements with respect to lighting systems; for Rule 61G15-33.005, F.A.C., it is to clarify existing language, delete unnecessary language and add new requirements with respect to electrical engineering documents for communications systems; for Rule 61G15-33.006, F.A.C., it is to amend rule title, to clarify existing language, delete unnecessary language and add new requirements with respect to alarm and signaling systems and electrical engineering documents for alarm and signaling systems construction documents; for Rule 61G15-33.007, F.A.C., it is to clarify and update the existing language and add new requirements with respect to electrical engineering documents for lightning protection systems; for Rule 61G15-33.008, F.A.C., it is to clarify and update the existing language; for Rule 61G15-33.010, F.A.C., it is to establish a new rule that will govern the certification of electrical systems of public interest.

SUBJECT AREA TO BE ADDRESSED: General Responsibility; Definitions; Design of Heating Ventilation and Air Conditioning Systems; Design of Plumbing Systems.

SPECIFIC AUTHORITY: 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-33.001 General Responsibility.

Electrical Engineering documents shall be prepared utilizing in accordance with applicable technologies and shall comply with the requirements of the authority having jurisdiction. The documents shall identify the Engineer of record for the electrical systems project. Electrical Engineering documents shall demonstrate compliance ~~be prepared in accordance~~ with the requirements of the applicable codes and standards as defined herein. The ~~Engineer of R~~ Engineer of Record is responsible for determining the applicability of appropriate codes and standards to a given project. In the event the codes and

standards fail to cover or address a specific requirement or situation, alternative research, test results, engineering data, and engineering calculations shall be utilized. New technology may be utilized when said technology has been demonstrated to provide equivalent or improved performance. Construction documents shall indicate the nature and character of the electrical work and shall describe, label and define the required electrical systems components, processes, equipment and material and its structural utility support systems. Both the Engineer of Record for the electrical system and the delegated engineer if utilized, shall comply with the requirements of the general responsibility Rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific rules contained herein. The Engineer of Record for the Electrical System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance to his written instructions in accordance with Rule 61G15-30.005, F.A.C. Any Electrical Delegated Engineering Documents must be included in the final set of documents filed for permit.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.001, Amended _____.

61G15-33.002 Definitions.

(1) Engineer of Record for the Electrical Systems. The Florida ~~Registered~~ Professional Engineer who develops the electrical system design criteria or performs the analysis and is responsible for the preparation of the Electrical documents for the project.

(2) through (4) No change.

(5) Electrical Engineering Documents. ~~All The~~ electrical drawings, specifications, reports, calculations, data and other documents utilized to establish setting forth the overall design and requirements for the construction, alteration, modernization, repair, demolition, arrangement, and/or use of the electrical system, or analysis or recommendations, as prepared by the Engineer of Record for the Electrical System. Electrical Engineering Documents shall additionally meet the requirements of Rule 61G15-30.003, F.A.C., Engineering Documents.

(6) Electrical Submittals. Submittals, catalog information on standard products, or drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input. These submittals do not require the seal of a Florida ~~registered~~ professional engineer.

(7) Codes and Standards. Those nationally recognized Codes and Standards adopted directly or by reference in Florida Building Code (including Florida Energy Efficiency Code, Chapter 13) and Florida Fire Code, Part II, Chapter 553, Florida Statutes. Applicable codes and standards also include those published by the National Fire Protection Association

~~(NFPA), the Institute of Electrical and Electronic Engineers (IEEE), the Illuminating Engineering Society of North America (IESNA), as well as those promulgated by the state fire marshal and other state and local authorities having jurisdiction.~~

(8) Electrical Delegated Engineering Documents. Electrical Engineering Documents prepared by a delegated engineer to whom the Engineer of Record for the Electrical System has delegated responsibility for the design of an electrical component or system and which are signed, sealed and dated by the delegated engineer.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.002, Amended _____.

61G15-33.003 Design of Power Systems.

(1) Power systems convey or distribute electrical energy. Items to be included in the design and analysis of these systems are: steady state and transient loads, short circuit analysis and protection (design and analysis), load flow, voltage drop, harmonics, and protective device coordination.

(2) Electrical ~~Engineering Documents~~ applicable to power systems shall at a minimum indicate the following:

(a) Power Distribution System Riser Diagram with short circuit values.

(b) No change.

(c) Circuit interrupting Protection devices and fault current interrupting capability.

(d) Location and characteristics of surge protective devices

~~(e)(d)~~ Main and distribution switch gear, panels, control devices and equipment panelboard locations and sizes.

(f) Voltage drop calculations for the feeders and customer-owned service conductors are required. Additionally, the documents shall state the reasons why the two percent limit for feeders and customer-owned service conductors are not being met, if applicable.

~~(g)(e)~~ Circuitry of all outlets, equipment and devices.

~~(h)(f)~~ Short circuit analysis Load computations.

~~(g)~~ Load computations.

~~(i)(h)~~ Electrical legends.

~~(j)(i)~~ Grounding and bonding.

~~(k)(j)~~ Instrumentation and control where required.

(l) Record documents applicable to power systems shall, at a minimum, contain information as required by FBC.

(m) Emergency back-up systems

Specific Authority 471.008, 471.033(2), 553.73 (13-413.1 FBC) FS. Law Implemented 471.033 FS. History—New 5-19-93, Formerly 21H-33.003, Amended _____.

61G15-33.004 Design of Lighting Systems.

(1) Lighting systems convert electrical energy into light. Items to be included in the lighting design and analysis are: Average illuminance, Equivalent spherical illuminance, Uniformity ratios, Visual comfort probability, special purpose lighting, impact of light intrusion, trespass and safety and the requirements of the Florida Energy Efficiency Code, Part IX, Chapter 553, Florida Statutes.

(2) Electrical Engineering documents for lighting systems shall, at a minimum, indicate the following:

- (a) No change
- (b) Emergency Lighting, egress and exit lighting.
- (c) Exit Lighting as required.
- (d) Lighting control and circuiting.
- (e) Calculated values needed for lighting systems in compliance with the Florida Energy Code for Building Construction.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.004, Amended _____.

61G15-33.005 Design of Communications Systems.

(1) Communications systems are utilized to convey voice and messages or data. Items to be included in the design documents or analysis of these systems are: Human factors engineering, cabling requirements, installation requirements, performance requirements, backup power requirements, the interrelationship of the various systems, and applicable standards and regulatory requirements.

(2) Electrical Engineering documents for communications systems shall, at a minimum, indicate the following:

- (a) System riser diagram for each cabling system.
- (b) No change.
- (c) Cabling Conductor type and performance data of the transmission installation requirements.
- (d) through (e) No change.
- (f) Installation, identification and testing requirements.
- (g) Characteristics and locations of surge protective devices.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.005, Amended _____.

(Substantial rewriting of Rule 61G15-33.006 follows. See Florida Administrative Code for present text.)

61G15-33.006 Design of Alarm and Signaling Systems.

(1) Alarm and signaling systems include but are not limited to: motor control systems, emergency alarm circuits, activation of life safety system controls and remote signaling of emergency conditions (See Rule 61G15-32.008, F.A.C., for Fire Alarm Systems), surveillance and access control systems,

temperature control, and systems related to energy conservation and facility management systems. The design documents shall be based on applicable NFPA standards as modified by applicable codes, or alternate engineering sources including published underwriter's engineering documents and sound engineering practices.

(2) The Electrical Engineering Documents for alarm and signaling systems construction documents shall at a minimum indicate the following:

- (a) Description of the control system functions, or a functional diagram.
- (b) Equipment legend.
- (d) System riser diagram.
- (c) Cabling and conductor types and requirements.
- (e) Installation, identification and testing requirements.
- (f) Back-up power.
- (g) Location and characteristics of surge protective devices.
- (h) Details and requirements indicated by Rule 61G15-32.008, F.A.C.

(i) Complete requirements for operations and maintenance procedures, manuals, system documentation, and instruction of Owner's operating personnel, as needed to operate the systems as intended over time

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.006, Amended _____.

61G15-33.007 Design of Lightning Protection Systems.

(1) Lightning Protection Systems are passive systems used to protect building and structures from damage caused by lightning and static discharges. Items to be considered in the design or analysis of this system include the requirements of NFPA-780.

(2) Electrical Engineering documents for lightning protection systems shall indicate:

- (a) Lightning Risk Assessment.
- (b)(~~a~~) Air terminals height and spacing.
- (c) Corrosion protection measures.
- (b) through (c) renumbered (d) through (e) No change.
- (f) Conductor type and size.
- (d) through (e) renumbered (g) through (h) No change.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.007, Amended _____.

61G15-33.008 Design of Grounding Systems.

(1) No change.

(2) Electrical Engineering Design Documents for grounding systems shall indicate at a minimum the following:

- (a) Type and location of grounding electrodes.
- (b) Bonding requirements.

(c) Testing requirements.

(d) Conductor material type, size and protection requirements.

(e) Connections of separate grounding systems, ~~properly~~ bonded, ~~per code~~ and use requirements.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History--New 5-19-93, Formerly 21H-33.008, Amended _____.

61G15-33.010 Certification of Electrical Systems of Public Interest.

The Engineer of Record shall be required, as required by the Authority Having Jurisdiction, to demonstrate compliance.

(1) Verifications from Electrical Engineering Documents warranted by codes and ordinances shall include when applicable:

(a) Energy efficiency and conservation tabulations, statements or calculations.

(b) Lighting levels included in the design that show intrusion, trespass, dark sky, safety or that show/preserve natural habitat tendencies.

(d) Light/noise/product specifications that indicate conformance with a community, county, or state standards, codes or ordinances.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.03 FS. History--New _____.

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 ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-33.002	Definitions
62B-33.0051	Coastal Armoring and Related Structures

PURPOSE AND EFFECT: Clarification of language and delete portions of the rule that overlap or conflict with proposed Rule Chapter 62B-56, F.A.C., and update the rules to reflect recent legislative changes in Section 161.085, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Definitions and updates reflecting recent legislative changes that resulted in repetition of language in other rules.

SPECIFIC AUTHORITY: 120.569, 161.021, 161.041, 161.052, 161.053, 161.0535, 161.054, 161.055, 161.061, 161.071, 161.081, 161.085, 373.427 FS.

LAW IMPLEMENTED: 161.021, 161.085 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: Charlotte Hand, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, Mail Station #300, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)488-7816, or by email at charlotte.hand@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-10.003	Psychotherapist-Client Relationship

PURPOSE AND EFFECT: The Board proposes to review the rule to update language to modify the time frame defining the length of time for the psychotherapist-client relationship.

SUBJECT AREA TO BE ADDRESSED: Psychotherapist-Client Relationship.

SPECIFIC AUTHORITY: 491.004(5), 491.0111 FS.
LAW IMPLEMENTED: 491.0111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.:	RULE TITLE:
64B19-13.003	Continuing Psychological Education Credit

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete continuing education requirements of those who refer to themselves as a "Qualified Practitioner."

SUBJECT AREA TO BE ADDRESSED: References to continuing education requirements for a "Qualified Practitioner" will be removed from the rule.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 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 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) through (4) No change.

~~(5) As a condition of biennial licensure renewal, each licensee who holds himself/herself out as a "Qualified Practitioner," under the definition of Section 947.005(9), F.S., must complete twenty (20) of the forty (40) hours on the evaluation and treatment of sexual offenders and related legal and ethical issues, in addition to the requirements above.~~

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

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, Amended 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, 1-2-06, 12-31-06,_____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.006	Neonatal Interfacility Transfers
64E-2.030	Emergency Medical Services Grants Procedures

PURPOSE AND EFFECT: To reflect in rule the requirement to have a member trained and authorized in neonatal advanced life support procedures, referenced by the American Academy of Pediatrics and the Association of Air Medical Transport Services, during the transportation of a neonatal patient.

To delete language to accommodate the distribution of grant information on the EMS website, U.S. Mail, and on the Bureau of EMS listserve. A majority of the affected EMS services have requested that grant notifications be provided either on the EMS website, U.S. mail, or the EMS listserve because they do not routinely review notices in the Florida Administrative

Weekly. Notification of grant availability using the above mechanisms will reach more potential applicants than the means currently listed.

SUBJECT AREA TO BE ADDRESSED: Neonatal Interfacility Transfers and Emergency Medical Services Grants Procedures.

SPECIFIC AUTHORITY: 381.0011, 383.19, 395.405, 401.121, 401.251(6), 401.35 FS.

LAW IMPLEMENTED: 381.001, 383.15, 395.405, 401.111, 401.113, 401.121, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 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: January 22, 2008, 1:30 p.m. – 4:30 p.m. (if needed)

Note: This is the day prior to the quarterly EMS Advisory Council meetings

PLACE: Prime Osborne Convention Center – Room 107, 1000 Water St, Jacksonville, FL 32204-1529

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Alexander Macy, Bureau of Emergency Medical Services, (850)245-4440, ext. 2735, Alexander_Macy@doh.state.fl.us, or fax: (850)488-9408. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lisa Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way Bin C-18, Tallahassee, FL 32399, Lisa_Walker2@doh.state.fl.us, phone: (850)245-4440 ext. 2733, or fax: (850)488-9408

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.006 Neonatal Interfacility Transfers.

(1) No change.

(2) Each permitted ambulance or neonate ambulance when transporting a neonate to a Level II or Level III Neonatal Intensive Care Unit shall be staffed with a minimum of two persons. One person shall be a registered neonatal nurse, the second person shall be either a neonatal registered respiratory therapist (RT), or a paramedic or a registered neonatal nurse. The staffing for each neonate transport shall be determined by the licensee's medical director in conjunction with the attending physician and the neonatologist. A physician can be

substituted for any team member. There shall be a member of the team trained and authorized in Neonatal advanced life support procedures. For Example: Intubation, Chest tube placement, and Umbilical Line insertion and placement. These procedures can be referenced by the American Academy of Pediatrics, Guidelines for air and Ground Transport of Neonatal and Pediatric Patients; and the Association of Air Medical Transport Services, Guidelines for Air Medical Crew Education.

Specific Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History--New 11-30-93, Amended 1-26-97. Formerly 10D-66.0525, Amended 8-4-98, 9-3-00, 12-18-06,_____.

64E-2.030 Emergency Medical Services Grants Procedures.

(1) In order to apply for a matching emergency medical services grant, applicants shall submit DH Form 1767, June 02, EMS Matching Grant Application contained in the EMS Matching Grant Program Application Packet, June 02. This application packet is incorporated by reference and available from the department. The application packet contains the following forms which are also incorporated by reference and available from the department: DH Form 1767, EMS Matching Grant Application, June 02, DH Form 1767P, Request for Grant Fund Distribution, June 02, DH Form 1684A, EMS Grant Program Expenditure Report, June 02, DH Form 1684C, EMS Grant Program Change Request, June 02, DH Form 1767G, Matching Grants Evaluation Worksheet, June 02.

(2) The department shall advertise grant availability, at a minimum, on the Bureau of Emergency Medical Services website at <http://www.fl-ems.com/grants/grants.html> the Florida Administrative Weekly (FAW). The FAW notice shall establish the deadline for submission of applications. Following the review by the grant review team and approval by the State Surgeon General, the department shall publish in the FAW the date, time, and location of the posting of the grant awards.

(3) All grant award decisions shall be posted on a date and time certain at a specific location in Tallahassee, Florida. All grant award notices shall be published on the Bureau of Emergency Medical Services website at <http://www.fl-ems.com/grants/grants.html> ~~www.doh.state.fl.us/ems~~, at the date and time established in the FAW notice as outlined in subsection (2) above.

Specific Authority 401.121 FS. Law Implemented 401.111, 401.113, 401.121 FS. History--New 6-6-90, Amended 12-10-92, 1-26-97. Formerly 10D-66.205, Amended 8-4-98, 11-3-02, 6-9-03,_____.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64I-4.001
 RULE TITLE: Procedures for Investigations for Florida Clean Indoor Air Act (FCIAA) Complaints

PURPOSE AND EFFECT: The Program intends through this rule promulgation will amend the procedures for investigations for Chapter 386, Part II, Florida Statutes, the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Part II, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 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: Sonja Bradwell, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin C-23, Tallahassee, Florida 32399-1743, (850)245-4281 or 1(800)337-3742, sonja_bradwell@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~64I-4.001 Procedures for Investigations for to Be Followed by Department of Health (DOH) Personnel When Investigating Florida Clean Indoor Air Act (FCIAA) Complaints and Notifying Alleged Violators.~~

(1) During inspections, DOH ~~environmental health~~ personnel shall document all observed violations of the Florida Clean Indoor Air Act (FCIAA) according to the requirements of Chapter 64I-4, F.A.C.

(2) Upon completion of the on-site inspection, DOH ~~environmental health~~ personnel shall complete the required sections of the Request for Inspection Form, a copy of which may be obtained from the Department of Health, Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743, and which is incorporated herein by reference, reporting ~~that:~~ facts relating to compliance with the FCIAA.

~~(a) The enclosed indoor workplace is not in compliance with the FCIAA and administrative proceedings shall be initiated, or~~

~~(b) There were no violations of the FCIAA found and the case shall be closed.~~

(3) The county health department director or administrator will forward the completed inspection form to the Division of Health Access and Tobacco, 4052 Bald Cypress Way, Bin C23, Tallahassee, FL 32399-1743.

(4) Upon receipt of the county health department report, the Division of Health Access and Tobacco shall: evaluate the report for further action in accordance with Chapters 120, 381, and 386, F.S.

~~(a) Initiate administrative procedures according to the provisions of Chapter 120, F.S., or~~

~~(b) Close the case.~~

Specific Authority 386.207, 386.2125 FS. Law Implemented 381.0012, 386.206, 386.207 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.008, 64D-1.001, Amended 11-5-02, 8-16-04, Formerly 64E-25.001, Amended _____.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64I-4.002 RULE TITLE: On-Site Investigations of Enclosed Indoor Workplaces

PURPOSE AND EFFECT: The Program intends through this rule promulgation will amend the procedures for investigations for Chapter 386, Part II, Florida Statutes, the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Part II, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 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: Sonja Bradwell, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin C-23, Tallahassee, Florida 32399-1743, (850)245-4281 or 1(800)337-3742, sonja_bradwell@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-4.002 On-Site Investigations of Enclosed Indoor Workplaces.

During inspections or investigations of any Florida Clean Indoor Air Act (FCIAA) complaint, DOH ~~environmental health~~ personnel shall document all observed violation(s) of Section 386.206, F.S.

(1) The proprietor or other person in charge of an enclosed indoor workplace must develop a policy regarding the prohibition of smoking in an enclosed indoor workplace. Such policy must include a prohibition of smoking in the enclosed

indoor workplace. Should there be no written policy, a violation of Section 386.206(1), F.S., exists and will be documented as: “Failure to develop a policy regarding smoking prohibition.”

(2) The proprietor or other person in charge of an enclosed indoor workplace shall implement a policy regarding smoking prohibition. If persons are observed violating the policy, and the proprietor or other person in charge witnesses or is made aware of a violation of Section 386.204, F.S., in the enclosed indoor workplace but nonetheless fails to implement the policy, a violation of Section 386.206(1), F.S., exists and shall be documented as: “Failure to implement a policy regarding smoking prohibition.”

(3) The proprietor or other person in charge of an enclosed indoor workplace where a smoking cessation program, medical research, or scientific research is conducted shall conspicuously post, or cause to be posted, signs designating areas where smoking is permitted for such purposes within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(3), F.S., exists and will be documented as: “Failure to post signs designating smoking permitted areas.”

~~(4) The proprietor or other person in charge of an enclosed indoor workplace where, prior to the adoption of s. 20, Art. X of the State Constitution was required to post signs under Section 386.206, F.S., shall continue to post signs stating that smoking is prohibited within the enclosed indoor workplace. If such signs are not posted then a violation of Section 386.206(2), F.S. exists and will be documented as: “Failure to post smoking prohibited signs.”~~

Specific Authority 386.207, 386.2125 FS. Law Implemented 386.206, 386.207 FS. History—New 2-27-94, Amended 2-19-96, 4-2-96, Formerly 10D-105.009, Formerly 64D-1.002, 64E-25.002, Amended 11-5-02, 8-16-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-4.002 RULE TITLE: Service Delivery

PURPOSE AND EFFECT: The purpose of the rule is to implement a comprehensive assessment process that will be used to identify support needs for recipients of Home and Community-Based services, Developmental Disability Waiver Services, and general revenue funded services from the Agency for Persons with Disabilities once eligibility is established. The rule shall identify appropriate assessment strategies to identify the types and levels of support a person with developmental disabilities may require now and in the near-term future.

The assessment instrument will be applied to measure the skills and abilities of the person eligible for services and the types and levels of support a person with developmental disabilities

may need to assist them with life changes while living, working, fulfilling valued roles, and participating in his/her community. The assessment will evaluate a full range of adaptive, behavioral, and physical needs, including sight, hearing, communication, and ambulation. The rule will also establish an administration schedule for targeted groups on the Developmental Disabilities waiver, the Family and Supported Living Waiver and the Consumer Directed Care Plus program, and all other persons receiving services from the Agency under other funding sources, or on the wait list for service.

SUBJECT AREA TO BE ADDRESSED: Assessment instrument for Home and Community-Based services delivery system valid assessment instrument to assess clients for the developmental disabilities waiver, qualifications and training for those administering the instrument, and use of the instrument.

SPECIFIC AUTHORITY: 393.501 FS. (2007)

LAW IMPLEMENTED: 393.0661 FS. (2007)

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

DATE AND TIME: December 21, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 302, Tallahassee, Florida 32399-0950 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 3 days before the workshop/meeting by contacting: Ms. Terri McGarrity at (850)487-4842. 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: Terri McGarrity, Community Development, Agency for Persons with Disabilities, (850)487-4842 or terri_mcgarrity@apd.state.fl.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-4.002 **RULE TITLE:** Service Delivery

PURPOSE AND EFFECT: The purpose of the rule is to implement a four-tiered waiver system to serve clients with developmental disabilities in the developmental disabilities and family and supported living waivers. The Waiver Tiers are defined as follows:

(1) Tier One shall be limited to clients who have service needs that cannot be met in Tiers Two, Three, or Four for intensive medical or adaptive needs and that are essential for avoiding institutionalization or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others.

(2) Tier Two shall be limited to clients whose service needs include a licensed residential facility and greater than 5 hours per day in residential habilitation services or clients in supported living who receive greater than 6 hours per day of in-home support services. Total annual expenditures under Tier Two may not exceed \$55,000 per client each year.

(3) Tier Three shall include, but is not limited to, clients requiring residential placements, clients in independent or supported living situations, and clients who live in their family home. Total annual expenditures under Tier Three may not exceed \$35,000 per client each year.

(4) Tier Four is the family and supported living waiver. Tier Four shall include but not be limited to clients in independent or supported living situations and clients who live in their family home. An increase to the number of services available to clients in this tier shall not take effect prior to July 1, 2008. Total annual expenditures under Tier Four may not exceed \$14,792 per client each year.

The rule will also establish the Waiver Tier Models that provide a basic description of the individuals receiving Waiver Tier services, the level and type of services for each Waiver Tier client, and a monetary cap for each Waiver Tier level of service.

SUBJECT AREA TO BE ADDRESSED: Four Tier Waiver System for Servicing Clients with Developmental Disabilities.

SPECIFIC AUTHORITY: 393.501 FS. (2007)

LAW IMPLEMENTED: 393.0661 FS. (2007)

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

DATE AND TIME: December 21, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 301, Tallahassee, Florida 32399-0950 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 3 days before the workshop/meeting by contacting: Linda Mabile at (850)487-4842. 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: Linda Mabile, Home and Community-Based Services, (850)487-4842, or linda_mabile@apd.state.fl.us

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-1.004 Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2008.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: RULE TITLES:
68A-4.001 General Prohibitions
68A-4.002 Possession of Gun While Using a Light Prohibited
68A-4.007 Exclusion of Certain Areas from Open Season

PURPOSE AND EFFECT: The purposes and effects of this rule development effort are to establish or revise rule provisions, during calendar year 2008, associated with general prohibitions pertaining to wildlife and freshwater fish resources, possession of a gun while using a light, and exclusion of certain areas from open season.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish, possession of a gun while using a light, and exclusion of certain areas from open season.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:
68A-5.005 Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2008 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled
68A-9.010	Taking Nuisance Wildlife

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, associated with recreational use permits and related fees on Wildlife Management Areas; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; permits for the physically disabled; and to clarify and simplify regulations relating to nuisance wildlife.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; permits for the physically disabled; and regulations relating to nuisance wildlife.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.57 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.57 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-11.003	Use of Motorboats on Certain Waters; Permits

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2008, associated with the use of motorboats on certain waters.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include use of motorboats on certain waters.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting
68A-12.009	Taking Destructive Birds and Mammals

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise rule provisions, during calendar year 2008, associated with general methods of taking game; the use of dogs for taking game; and the taking of destructive birds and mammals.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general methods of taking game, the use of dogs for taking game, and the taking of destructive birds and mammals.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.002	Migratory Birds; Adoption of Federal Statutes and Regulations
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges
68A-13.007	Hunting Regulations on Public Small-Game Hunting Areas
68A-13.008	Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2008, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-14.001	Establishment Orders
68A-14.0011	Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.; 372.021 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2008-2009 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEAs); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2008-2009 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 375.313 FS.

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-18.004	Regulations in Wildlife Refuges

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, associated with wildlife refuges.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rules include regulations in wildlife refuges.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-20.004	Regulations in Fish Management Areas
68A-20.005	Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions, during calendar year 2008, associated with general regulations for taking and possessing freshwater fish, which are applicable to all fish management areas, such as fishing license requirements, daily bag limits for certain freshwater fish such as catfish or game fish, possession of certain devices such as nets, fish traps, trotlines or bush hooks, temporary closure of fish management areas, or intentional release of fish and wildlife into any fish management area. Additional rule development proposals may establish or revise rule provisions associated with regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish in fish management areas.

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, IF AVAILABLE, IS: James V.

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-21.002	Establishment
68A-21.004	General Regulations Relating to Wild Hog Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, associated with establishment and general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include establishment and general regulation of wild hog areas.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-23.002	General Methods of Taking Freshwater Fish
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters
68A-23.005	Bag Limits, Length Limits, Open Season: Freshwater Fish
68A-23.012	Special Regulations on Lake Okeechobee

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, and to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish; commercial fishing devices,

including special regulations for Lake Okeechobee; and bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish; commercial fishing devices, including commercial fishing on Lake Okeechobee; and bag limits, length limits, and season dates for freshwater fish.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.653 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-24.002	Methods of Taking Fur-Bearing Animals; Possession; Open Season
68A-24.005	Transporting and Shipping Live Raccoons

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, associated with methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

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, IF AVAILABLE, IS: James V.

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

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.002	General Provisions for Taking, Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance-Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms
68A-25.031	Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands
68A-25.032	Regulations Governing the Establishment of Alligator Management Programs on Private Lands
68A-25.042	Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
68A-25.052	Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2008, to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; Sections 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 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: James V.

Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-27.0012	Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern
68A-27.002	Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits
68A-27.003	Designation of Endangered Species; Prohibitions; Permits
68A-27.004	Designation of Threatened Species; Prohibitions; Permits
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists during calendar year 2008.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-31.001	Regulations Related to Commission Managed Shooting Ranges

PURPOSE AND EFFECT: The purpose of the proposed rule development effort is to establish regulations for Commission managed shooting ranges in 2008 that would address public safety, access, and activities. The effect of the proposed rule will be to enable the agency to better manage public use of Commission-managed shooting.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include requirements for access, activities, and public safety on Commission Managed shooting ranges.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution., 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-1.003	Miscellaneous Fees; Name Changes and Duplicate Licenses

PURPOSE AND EFFECT: Section 497.140(6)(a), F.S., requires the Department to impose a special unlicensed activity fee of \$5 upon each initial license and each renewal of a license under Chapter 497, F.S. Section 497.140(4), F.S., authorizes the Department to charge a fee as determined by Department rule but not to exceed \$25 for the issuance of a duplicate license. Section 497.140(5), F.S., requires the Department to charge a fee as determined by Department rule but not to exceed \$25 for the certification of a public record. Section 497.161(1)(d), F.S., authorizes the Department to adopt a rule establishing a fee of up to \$100 for the issuance of a duplicate license or for a name change on a license. The proposed rule implements these statutory provisions.

SUBJECT AREA TO BE ADDRESSED: Special fee for unlicensed activity; fees for issuance of duplicate license, for change of name, and for certification of public records.

SPECIFIC AUTHORITY: 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS.

LAW IMPLEMENTED: 497.140(4), (5), (6), 497.161(1)(d) 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: Friday, December 28, 2007, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diana Marr, (850)413-3039. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S. E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-1.003 Miscellaneous Fees; Name Changes and Duplicate Licenses.

(1) A special unlicensed activity fee of \$5.00 per licensee shall be imposed on each initial license and each renewal of a license under Chapter 497, F.S. These funds shall be used by the Department to identify and combat unlicensed activity which violates the provisions of Chapter 497, F.S.

(2) The fee for a name change on a license is \$25. The original of the current license must be returned to the Department before a license in the changed name will be issued. A request for a name change for business entities shall be submitted to the Department on Form DFS-N1-1764, "Change of Name & Request for Revised License Certificate – Entities," effective 10/06. A request for a name change for individuals shall be submitted to the Department on Form DFS-N1-1765, "Change of Name & Request for Revised License Certificate – Individuals," effective 10/06. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C.

(3) The fee for a duplicate license is \$25. A request for a duplicate license shall be submitted to the Department on Form DFS-N1-1766, "Request for Duplicate License," effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C.

(4) The fee for certification of public records is \$5.00.

Specific Authority 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS. Law Implemented 497.140(4), (5), (6), 497.161(1)(d) FS. History–New_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.:	RULE TITLE:
69L-24.0231	Benefits and Administration Trust Fund Penalties Improper Filing Practices

PURPOSE AND EFFECT: The purpose of the proposed rule amendment, and its effect, is to provide a thirty day time period within which a Claims Administrator will not receive a late filing penalty for any First Reports of Injury or Illness accepted by the Division of Workers’ Compensation after the Claims Administrator is first approved by the Division to electronically submit such reports to the Division.

SUBJECT AREA TO BE ADDRESSED: Requirements regarding electronic submission of First Reports of Injury or Illness to the Division of Workers’ Compensation.

SPECIFIC AUTHORITY: 440.13(11)(b), 440.185, 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.13 (11)(b), 440.185(9), 440.20(8)(a) 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: Monday, January 7, 2008, 9:00 a.m. – 12:00 p.m.

PLACE: 104 J Hartman Bldg., 2012 Capital Circle S. E., Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robin Ippolito, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, phone (850)413-1775

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-24.0231 Benefits and Administration Trust Fund Penalties Improper Filing Practices.

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

(d) If the electronic First Report of Injury or Illness is assigned an Application Acknowledgement Code of Transaction Accepted (TA) within 30 days after the Claim Administrator, as defined in Rule 69L-56.002, F.A.C., is first approved and required by the Division to send electronic First Reports of Injury or Illness to the Division pursuant to paragraph 69L-56.300(1)(d), F.A.C., the Insurer, as defined in Rule 69L-56.002, F.A.C., shall not be assessed a filing penalty pursuant to paragraph 69L-24.0231(1)(c), F.A.C., based on the filing requirements established in subsections 69L-56.301(1) and (2), F.A.C. After the completion of the 30 day period referenced above, all electronic First Reports of Injury or Illness must be assigned an Application Acknowledgement Code of Transaction Accepted (TA) by the Division within the required filing timeframes established in subsections 69L-56.301(1) and (2), F.A.C., to be considered timely filed.

(2) through (6) No change.

Specific Authority 440.13(11)(b), 440.185, 440.591, 440.593(5) FS. Law Implemented 440.13(11)(b), 440.185(9), 440.20(8)(a) FS. History—New 8-29-94, Amended 5-14-95, 6-4-97, 11-28-01, Formerly 38F-24.0231, 4L-24.0231, Amended 1-8-04, _____.

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.096	Industrial Machinery and Equipment for Use in a New or Expanding Business
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), is to: (1) incorporate the provisions of Chapter 2006-56, L.O.F., which amends Section 212.08(5)(b), F.S. (Machinery and equipment used to increase productive output); and (2) revise the requirements for the administration of the exemption provided for industrial machinery and equipment used in a new or expanding business consistent with Section 212.08(5)(b), F.S., as amended.

Chapter 2006-56, L.O.F., deletes the \$50,000 tax threshold per calendar year on the purchase of industrial machinery and equipment used to increase productive output by certain industries. All industries will no longer be required to meet the

\$50,000 tax threshold per calendar year. This law also revises the exemption for machinery and equipment used in mining operations by removing the requirement that the exemption is only available by taking a credit against severance taxes and removing the requirement that mining operations must show an increase in the creation of new jobs. The proposed amendments remove these obsolete requirements.

The proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), adopt, by reference, changes to Form DR-1214, Application for Temporary Tax Exemption Permit.

SUMMARY: This is the second notice of intended action that has been filed for these proposed rule amendments. A notice of intended action for these amendments was originally published on August 10, 2007, and a hearing was held on September 5, 2007. However, due to a clerical error, Rule 12A-1.096, Florida Administrative Code (Sales and Use Tax; Industrial Machinery and Equipment for Use in a New or Expanding Business) was not included in the notice of cabinet meeting that was published on November 2, 2007, and therefore, both the substantive rule and the accompanying forms rule (12A-1.097, Florida Administrative Code) were withdrawn from consideration by the Governor and Cabinet at their meeting on November 14, 2007. The Department is restarting the adoption process for these proposed rule amendments in accordance with Section 120.54(3)(a), Florida Statutes. These proposed amendments are identical to those originally noticed on August 10, 2007. The proposed amendments to Rule 12A-1.096, F.A.C. (Industrial Machinery and Equipment for Use in a New or Expanding Business), clarify that a “fixed location” is a location or plant site that is used, or intended to be used, for an extended or indefinite period of time for spaceport activities or for manufacturing, processing, compounding, or producing items of tangible personal property for sale. The definition of “mining activities,” rendered obsolete by Chapter 2006-56, L.O.F., is removed. Examples are added to the definition of the term “physically comparable,” for clarity. The term “production process” is clarified to mean that the production process may include quality control activities after the items have been packaged, such as good manufacturing practices as mandated by the Federal Food and Drug Administration to detect adulterated food or food that has been prepared, packaged, or held under insanitary conditions. Additional provisions are added to clarify that the production process does not include product design activities. The proposed amendments define the terms “purchase” and “purchase agreement” for purposes of the exemption.

The proposed amendments revise the provisions describing the terms “new business” and “expanding business.” Pursuant to these proposed amendments, businesses that purchase additional machinery and equipment to begin manufacturing component parts for existing lines of products that were previously purchased from vendors will be classified as an