

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5I-2.003	Definitions
5I-2.004	Open Burning Not Allowed
5I-2.006	Open Burning Allowed

**PURPOSE AND EFFECT:** The purpose of this rule development is to bring the reference to agricultural black plastic into line with the statutory citation in Chapter 403, F.S. We are including in this revision the new open burning certification program for Certified Pile Burning. The rule outlines how to become a certified pile burner and what is required of a certified pile burner when they are using their certification. It also outlines how they can lose their certification.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule changes are to more clearly define the difference between the Department’s certification programs for acreage burns and for pile burning. It also highlights the advantages of being a certified burner for either acreage or broadcast. There is also clarification concerning the burning of agricultural plastic. The language of the proposed rule has been simplified to facilitate the understanding of all Floridians.

**SPECIFIC AUTHORITY:** 570.07(23), (28), 590.02(1)(f) FS.  
**LAW IMPLEMENTED:** 570.07(28), 570.548, 590.02(1)(b), 590.02(1)(f), 590.125 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:**

**TIME AND DATE:** June 9, 2008, 9:00 a.m. Eastern Time  
**PLACE:** Eyster Auditorium, Doyle Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: James Brenner, Fire Management Administrator, Division of Forestry, phone: (850)488-6111 or email: brennej@doacs.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** James Brenner, Fire Management Administrator, Division of Forestry phone: (850)488-6111 or email: brennej@doacs.state.fl.us

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**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-1.09401	Student Performance Standards

**PURPOSE AND EFFECT:** The purpose of the rule development workshop is to provide an opportunity for the public to provide input on revisions to the K-12 Social Studies, Physical Education, and Health Education Sunshine State Standards. The workshop will provide an opportunity for the DOE personnel and members of the standards writing team to explain and describe the revision process as well as receive input on the revised content standards. The effect will be a better informed public on how the content standards revision process for these content areas was conducted as well as provide an opportunity for additional input.

**SUBJECT AREA TO BE ADDRESSED:** Sunshine State Standards for Social Studies, Physical Education, and Health Education.

**SPECIFIC AUTHORITY:** 1001.02 FS.  
**LAW IMPLEMENTED:** 1001.03 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATES AND TIMES:** June 20, 2008, 7:00 p.m. – 9:00 p.m.; June 23, 2008, 7:00 p.m. – 9:00 p.m.; June 26, 2008, 7:00 p.m. – 9:00 p.m.

**PLACE:** June 20, 2008, Felix Varela High School, 15255 S. W. 96th Street, Miami, FL; June 23, 2008 – Jones High School, 801 Rio Grande Avenue, Orlando, Florida; June 26, 2008 – Lincoln High School, 3838 Trojan Trail, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Todd Clark, Chief, Bureau of Instruction and Innovation, Department of Education, 325 West Gaines Street, Room 501A, Tallahassee, Florida 32399-0400, (850)245-0764, todd.clark@fldoe.org

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-10.070	Discounted Computers and Internet Access for Students

**PURPOSE AND EFFECT:** The State Board of Education in accordance with Section 1001.29, Florida Statutes, shall develop rules for implementation of computer and technical

training for at-risk students; notification of computer programs for at-risk parents; and the distribution of eligibility certificates for students that qualify for the program (offering discounted computers and internet access to students in grade 5-12).

**SUBJECT AREA TO BE ADDRESSED:** Discounted Computers for At-Risk Students.

**SPECIFIC AUTHORITY:** 1001.29 FS.

**LAW IMPLEMENTED:** 1001.29 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:** June 4, 2008, 1:00 p.m. – 3:00 p.m.

**PLACE:** Orange County Public School District Office, 445 West Amelia Street, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kate Kemker, Bureau Chief, Instruction and Innovation, (850)245-5053 or Kate.kemker@fldoe.org

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."

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

**RULE NO.:** RULE TITLE:

40B-2.041 Permits Required

**PURPOSE AND EFFECT:** The purpose of the rule development is to update this section of Chapter 40B-2, Florida Administrative Code, to amend the Minor Permit by Rule that regulates small landscape irrigation uses in Rule 40B-2.041, F.A.C. The effect of the rule development will set forth conservation measures for small landscape irrigation uses and develop consistency with St. Johns and Southwest Florida water management districts.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will set forth conservation measures for landscape irrigation uses and develop consistency with St. Johns River and Southwest Florida water management districts by amending the Minor Permit by Rule.

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

**LAW IMPLEMENTED:** 373.103, 373.118, 373.219, 373.226, 373.244 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

**RULE NO.:** RULE TITLE:

40B-4.1140 Limiting Conditions on Permits

**PURPOSE AND EFFECT:** The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, to amend a limiting condition on permits as it pertains to operation and maintenance of stormwater systems. The effect of the proposed rule amendments will be to establish a more efficient system relating to operation and maintenance inspections of stormwater systems.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will amend a limiting condition on permits as it pertains to operation and maintenance inspections of stormwater systems by requiring maintenance to be completed once it is discovered that such maintenance is necessary. The amended rule will also require that a maintenance report shall be filed within 15 days of completion.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.117, 373.171 FS.

**LAW IMPLEMENTED:** 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-1.003	The Governing Board
40C-1.010	Procedure for Voting Conflicts of Interest

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to amend the sections of Chapter 40C-1, F.A.C., that address operation of the Governing Board. The rule development proposes to: (1) change the date of the regular meeting of the Governing Board; (2) provide for the creation of standing committees of the Board and appointment of committee members; (3) provide for the annual election of Board officers; (4) amend the circumstances in which a Governing Board member may abstain from voting on an official decision; and (5) repeal Rule 40C-1.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address the operation of the Governing Board.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 112.326, 373.073, 373.079, 373.083, 373.103 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandy Bertram, District Clerk, (386)329-4127. 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.003 The Governing Board.

(1) No change.

(2) The Governing Board will meet the second Tuesday ~~Wednesday and preceding Tuesday~~ of each month unless otherwise announced.

(3) The Governing Board may create standing committees, and the chair of the Board shall appoint members to each standing committee. The Chairman of the Board may appoint standing committees or ad hoc committees.

(4) On an annual basis ~~Immediately after appointment, and annually thereafter,~~ Board members will meet and elect a chair chairman, vice chair chairman, secretary, and treasurer ~~and secretary treasurer~~. The Executive Director will serve as the assistant secretary ~~treasurer~~.

(5) through (6) No change.

(7) The Board may vote only when a quorum of its members is present and only at a public meeting which has been properly noticed. A quorum consists of five members. A simple majority of members present is necessary to carry a motion. ~~All members of the Board, including the chairman, shall vote on every issue or publicly state a conflict of interest as specified in Rule 40C-1.010.~~

(8) No member of the Governing Board who is present at any meeting at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under the provisions of Section 112.311, 112.313, or 112.3143, F.S. In such case, the member shall comply with the disclosure requirements of Section 112.3143, F.S.

Specific Authority ~~120.53(1),~~ 373.044, 373.113 FS. Law Implemented 112.326, 120.53(1), 373.073, ~~373.076,~~ 373.079, 373.083, 373.103; ~~373.174~~ FS. History—New 8-1-89. Amended 10-8-91, \_\_\_\_\_.

40C-1.010 Procedure for Voting Conflicts of Interest.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 112.3143, 120.53, 373.079 FS. History—New 4-18-83, Formerly 40C-1.20, 40C-1.201, Amended 8-1-89, Repealed \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-2.042	General Permit by Rule
40C-2.101	Publications Incorporated by Reference
40C-2.900	Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rule development is to amend the General Permit By Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.042, F.A.C. Amendments include: repeal of the exceptions for use of reclaimed water and recycled water from wet detention treatment ponds for irrigation; amendment to the limiting conditions to prohibit chemigation and fertigation between the hours of 10:00 a.m. and 4:00 p.m.; restriction of the watering-in of chemicals to 1/4 inch of water per application except as otherwise required by

law, the manufacturer or best management practices; limitation of the operation of landscape irrigation systems for routine maintenance to 1 day per week; providing that where reclaimed water is available, use of private irrigation wells is not authorized; establishing a specific 2-day per week landscape irrigation schedule for the period of time when Daylight Savings Time is in effect; establishing a 1-day per week irrigation schedule for the period of time when Eastern Standard Time is in effect; providing that an irrigator using reclaimed water for irrigation may irrigate on a specified additional day when the user's reclaimed water provider, in order to address the provider's operational, disposal or storage concerns, has obtained a District permit allowing the provider's customers to irrigate with reclaimed water on the specified additional day; providing limitations on the amount of water than can be applied for landscape irrigation; revising Form 40C-2-1082-2; and revising the Applicant's Handbook: Consumptive Uses of Water, to reflect these changes.

**SUBJECT AREA TO BE ADDRESSED:** Amendments to General Permit By Rule and related Applicant's Handbook: Consumptive Uses of Water, provisions regarding irrigation regulation.

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

**LAW IMPLEMENTED:** 373.118, 373.219, 373.223, 373.250, 373.609 FS.

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

**DATE AND TIME:** June 18, 2008, 1:00 p.m. – 3:00 p.m.

**PLACE:** Seminole County Commission Chambers, 1101 East First Street, Sanford, FL 32771

**DATE AND TIME:** June 19, 2008, 10:00 a.m. – 12:00 Noon

**PLACE:** Indian River County Commission Chambers, 1801 27th Street, Building A, Vero Beach, FL 32960

**DATE AND TIME:** July 1, 2008, 10:00 a.m. – 12:00 Noon

**PLACE:** Department of Environmental Protection, 7825 Baymeadows Way, Rooms A and B, Jacksonville, FL 32256

**DATE AND TIME:** July 3, 2008, 10:00 a.m. – 12:00 Noon

**PLACE:** Lake County Commission Chambers, 315 West Main St. Tavares, FL 32778

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: Sandy Bertram, District Clerk, (386)329-4127. 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:** Norma Messer, Rules

Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwm.d.com

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**40C-2.042 General Permit by Rule.**

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsection 40C-2.042(8), F.A.C. However, this ~~rule section~~ shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this ~~rule section~~, must obtain a permit pursuant to Chapters 40C-2, 40C-20, or 40C-22, F.A.C.

(1) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source to irrigate agricultural crops, nursery plants, golf courses and recreational areas, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water uses is limited to only that necessary for efficient utilization. Such water use shall be subject to the following exceptions and provisions:

(a) Irrigation using a micro-spray, micro-jet, or drip irrigation system is allowed anytime, provided the amount of water used is limited to only that necessary for efficient utilization ~~micro irrigation system is allowed anytime.~~

~~(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods~~

~~(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off site surface water, or public supply sources.~~

~~(b)(d)~~ Irrigation is allowed at any time of day for one 30-day period following planting of agricultural crops or nursery stock, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of new recreational areas and newly seeded or sprigged golf course areas is allowed at any time of day for one 60-day period.

~~(c)(e)~~ Chemigation and fertigation are allowed on any at any time of day one time per week, provided these activities do not occur between the hours of 10:00 a.m. and 4:00 p.m. and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.

~~(d)~~(f) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

~~(e)~~(g) Irrigation systems may be operated anytime of day for maintenance and repair purposes not to exceed ten minutes per hour per zone, but such operation must not occur more than one time per week.

(h) through (n) renumbered (f) through (l) No change.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water from any source for landscape irrigation, ~~provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.~~ For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way, ~~but it.~~ For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z. Landscape irrigation must be in accordance with the following provisions shall be subject to the following exceptions:

1. During the time period when Daylight Savings Time is in effect, from the second Sunday in March through the first Sunday in November, no more than 1/2 inch of water may be applied per zone per day, and irrigation must be performed in accordance with the following irrigation schedule:

a. Landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and must not occur between 10:00 a.m. and 4:00 p.m.; and

b. Landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and must not occur between 10:00 a.m. and 4:00 p.m.; and

2. During the time period when Eastern Standard Time is in effect, from the first Sunday in November to the second Sunday in March, no more than 3/4 inch of water may be applied per zone per day, and irrigation must be performed in accordance with the following irrigation schedule:

a. For addresses ending in 0 or 1, irrigation may occur only on Monday and must not occur between 10:00 a.m. and 4:00 p.m.; and

b. For addresses ending in 2 or 3, irrigation may occur only on Tuesday and must not occur between 10:00 a.m. and 4:00 p.m.; and

c. For addresses ending in 4 or 5, irrigation may occur only on Wednesday and must not occur between 10:00 a.m. and 4:00 p.m.; and

d. For addresses ending in 6 or 7, irrigation may occur only on Thursday and must not occur between 10:00 a.m. and 4:00 p.m.; and

e. For addresses ending in 8, 9 or no address, irrigation may occur only on Friday and must not occur between 10:00 a.m. and 4:00 p.m.

3. An irrigator using only reclaimed water may irrigate on a specified additional day when the irrigator's reclaimed water provider has obtained a District permit allowing the provider's customers to irrigate with reclaimed water on the specified additional day, to address the provider's operational, disposal or storage concerns.

4. All landscape irrigation shall be limited to only that necessary to meet landscape needs.

5. Where reclaimed water is available, the use of private irrigation wells for landscape irrigation is not authorized under this subsection.

6. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

7. Irrigation using a micro-spray, micro-jet or drip irrigation ~~micro-irrigation~~ system is allowed at any time of day on any day, provided the amount of water used is limited to only that necessary for efficient utilization anytime.

~~8.2.~~ Irrigation of new landscape is allowed on Monday through Friday at any time of day ~~on any day~~ for the initial 30 days following installation and on Monday, Wednesday and Friday and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.

~~9.3.~~ Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed at any time of day on any day anytime within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

~~10.4.~~ Irrigation systems may be operated at any time of day on any day anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone but such operation must not occur more than one time per week.

~~11.5.~~ Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day, provided the amount of water used is limited to only that necessary for efficient utilization anytime.

~~12.6.~~ No change.

~~7.~~ The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

~~8.~~ The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

~~(b)1.~~ A local government is strongly encouraged to enforce paragraph 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation an ordinance that incorporates each of the incorporates these provisions set forth in paragraph 40C-2.042(2)(a), F.A.C. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

~~a.~~ Landscape irrigation at odd-numbered addresses must only occur on Wednesday and Saturday; and

~~b.~~ Landscape irrigation at even-numbered addresses or no address must only occur on Thursday and Sunday.

~~e.~~ Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs a. or b. above to address utility system-related demands.

~~2.~~ For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a

delivery location, the lot number shall be the property's address. An "even-numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd-numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

~~2.3.~~ No change.

~~3.4.~~ Where a local government has adopted a landscape irrigation ordinance, if the strict application of the uniformly required "day of week" schedule for specified "day of week" limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific days for landscape irrigation identified in subparagraphs 40C-2.042(2)(a)(b)1. and 2., F.A.C., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days per week during the period of Daylight Savings Time and no more than 1 day per week during the period of Eastern Standard Time days a week. Local governments shall not grant a variance from any other provision of this rule.

~~4.5.~~ At least thirty ~~(30)~~ days prior to the adoption of an ordinance to enforce paragraph 40C-2.042(2)(a), F.A.C., the local government shall provide a copy of the proposed ordinance to the District.

~~(c)(4)~~ A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur on three days per week when Daylight Savings Time is in effect and/or 2 days per week when Eastern Standard time is in effect may submit an application for a Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week When Daylight Savings Time is in Effect and/or Two Days Per Week When Eastern Standard Time is in Effect using form 40C-2-1082-2, pursuant to Chapter 40C-20, F.A.C. This permit application is limited to including no more than twenty-five ~~(25)~~ nearby properties within a common plan of development. If a development consists of more than one phase or section, the twenty-five ~~(25)~~ properties must be located within a single phase or section. Persons authorized to irrigate on an additional day using reclaimed water pursuant to subparagraph 40C-2.042(2)(a)3., F.A.C., are not required to obtain a Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week When Daylight Savings Time is in Effect and/or Two Days Per Week When Eastern Standard Time is in Effect.

~~(e)~~ All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically extended for a 2-year time period in accordance with the terms and conditions

of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.

(3) through (7) No change.

(8) The Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. Where reclaimed water is available, the use of private irrigation wells for landscape irrigation is not authorized under this subsection. This permit is subject to all the provisions requirements in paragraph 40C-2.042(2)(a), F.A.C. and the exceptions in subparagraphs (2)(a)1-8.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.219, 373.223, 373.250, 373.609 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06,\_\_\_\_\_.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water”, \_\_\_\_\_ 2-13-08. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions which pertain to the District’s administration of the consumptive use permitting program.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08,\_\_\_\_\_.

40C-2.900 Forms and Instructions.

(1) No change.

(2) Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week When Daylight Savings Time is in Effect and/or Two Days Per Week When Eastern Standard Time is in Effect, form number 40C-2-1082-2 revised (effective date), effective—2-15-06 is hereby incorporated by reference.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90. Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06,\_\_\_\_\_.

APPLICANT’S HANDBOOK SECTIONS:

17.0 General Conditions by Type of Use

17.1 Public Supply-Type Uses

The following general conditions are generally applied to permits for public supply-type uses:

(a) through (d) No change.

(e) Landscape irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., and shall not occur more than two days per week except as follows:

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. Irrigation of new landscape is allowed any time of day or any day for the initial 30 days and every other day for the next 30 days for a total of one 60 day period provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.~~

~~4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.~~

~~5. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

(f) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.2 and 17.3 No change.

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural-type uses:

(a) The allocations stated above may be exceeded when the permittee must use water for freeze protection. Freeze protection is defined as the periodic and infrequent use of water to protect agricultural and nursery crops from permanent damage due to low temperatures. This action would be taken in response to forecasts of freezing temperatures by weather forecasting services. The permittee must maintain records of when water withdrawals for freeze protection are taking place, including the date of such withdrawal, duration of each withdrawal, and the rate at which withdrawals are taking place. These records must be submitted along with any required withdrawal records.

(b) Irrigation of agricultural crops shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate agricultural crops is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation is allowed any time of day for one 30-day period following planting of agricultural crops, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment.~~

~~5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~

~~7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~8. Irrigation of agricultural crops by seepage systems which regulate off-site discharges through the use of water control structures is allowed anytime, provided the discharge does not overtop the control structure by more than one-half inch, the structure is well maintained, and there is no discharge between 1:00 p.m. and 7:00 p.m. unless associated with a storm event.~~

~~9. The use of water to protect agricultural crops from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~

~~10. The use of water to protect agricultural crops from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty-minute period per day, whichever is applicable.~~

~~11. Irrigation of agricultural crops by traveling volume guns which require manual repositioning is allowed anytime.~~

(c) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.5 Nursery Use

The following conditions is generally applied to individual permits for nursery-type uses:

(a) Irrigation of nursery plants shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. The use of reclaimed water for irrigation is allowed anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate nursery plants is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation is allowed any time of day for one 30-day period following planting of nursery stock provided that the irrigation is limited to the minimum amount necessary for plant establishment.~~

~~5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~

~~7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~8. The use of water to protect nursery plants from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.~~

~~9. The use of water to protect nursery plants from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone or one twenty-minute period per day.~~

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

17.6 No change.

17.7 Golf Course/Recreation Use

The following conditions are generally applied to individual permits for golf course-type uses and recreation-type uses:

(a) Golf course and recreational irrigation shall be in conformity with the requirements set forth in subsection 40C-2.042(2), F.A.C. is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

~~1. Irrigation using a micro-irrigation system is allowed anytime.~~

~~2. Facilities using reclaimed water for irrigation may do so anytime.~~

~~3. The use of recycled water from wet detention treatment ponds to irrigate golf courses and recreational areas is allowed anytime provided the ponds are not augmented from any ground or off-site surface water sources.~~

~~4. Irrigation of, or in preparation for planting, new golf courses and recreational areas is allowed at any time of day for one 30-day period provided irrigation is limited to the amount necessary for plant establishment. Irrigation of newly-seeded or sprigged golf course areas is allowed any time of day for one 60-day period.~~



~~5. Chemigation and fertigation are allowed at any time of day one time per week, and anytime during the normal 4:00 p.m. to 10:00 a.m. irrigation hours.~~

~~6. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed anytime within 24 hours of application.~~

~~7. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten minutes per hour per zone.~~

~~8. The use of water to protect golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per zone.~~

(b) The water conservation plan submitted to the District on (date), must be implemented in accordance with the implementation schedule contained therein.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-2.101  
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this proposed rule development is to amend section 5.4.2.1 of the Applicant’s Handbook: Consumptive Uses of Water, incorporated by reference, to change.

SUBJECT AREA TO BE ADDRESSED: The subject area of proposed rule development is the operation of the Governing Board, specifically the meeting dates of the Board.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.073, 373.079, 373.103 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandy Bertram, District Clerk, (386)329-4127. 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, email nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference parts I, II, and III, the “Water Conservation Public Supply” requirements in Appendix I, and “Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District” in Appendix L of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” *(effective date)* ~~2-13-08~~.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented ~~373.073, 373.079, 373.103, 373.109, 373.196, 373.219, 373.223, 373.229, 373.233, 373.236, 373.239, 373.250~~ FS. History–New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08,\_\_\_\_\_.

**APPLICANT’S HANDBOOK SECTION:**

**5.4.2 Regulatory Meeting**

5.4.2.1 The Governing Board of the SJRWMD normally meets on the second Tuesday ~~preceding the second Wednesday~~ of each month to act on permit applications. At each regulatory meeting the Board has copies of the staff reports, along with the staff’s recommendations, which were provided to them several days before the meeting to allow time for consideration. When applications are formally presented to the Board for action, the Board invites comments from the applicants, District staff, persons who may be impacted by the use, and members of the general public.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.070  
 RULE TITLE: Durable Medical Equipment and Medical Supplies

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-4.070, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008. The revised handbook includes the policy and procedure code changes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA), revised policies mandated by CS/HB 7083ER, and updated service requirements. The handbook also contains the policies for certain products that were transferred from the Medicaid Prescribed Drug Program to the Medicaid Durable Medical Equipment and Medical Supplies Program in 2005. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supplies.

SPECIFIC AUTHORITY: 409.919 FS.  
 LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912, 409.913 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, June 9, 2008, 1:00 p.m. – 2:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-7306, gabricd@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Medical Supplies.

(1) No change.

(2) All durable medical equipment and medical supply providers enrolled in the Medicaid program must be in compliance ~~empty~~ with the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and EPSDT 224, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-Florida.com ~~agent~~. Click on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) Medicaid durable medical equipment and medical supply providers are required to use the following form, which is incorporated by reference: the Custom Wheelchair Evaluation form, AHCA-Med Serv Form, 015, July 2007, five pages. This form is available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-Florida.com. Click on Provider Support, and then on then on Forms. The form may also be photocopied from Appendix A in the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook. All DME providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, November 1996, which is incorporated by reference and available from the Medicaid fiscal agent.

~~(4) Durable Medical Equipment and Supplies. All DME/Medical Supply providers must comply with the provisions of the Florida Medicaid DME/Medical Supply Services Coverage and Limitations Handbook January 2000, which is incorporated by reference and available from the Medicaid fiscal agent.~~

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907~~(7)~~, 409.908, 409.912, 409.913 FS. History–New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.250  
 RULE TITLE: Prescribed Drug Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook update May 2008. The effect is to update handbook requirements for reimbursement for prescribed drugs.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: Thursday, June 12, 2008, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Donnelly 2727 Mahan Drive, Building 3, Mail Stop 38, Tallahassee, FL 32308, Telephone (850)487-4441/e-mail donnellm@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, June 2006, updated May 2008, which is incorporated by reference, and available from the Medicaid fiscal agent's website at http://floridamedicaid.acs-inc.com.

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

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-2 8-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02, 12-7-06,

**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**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-16.100	General
62-16.200	Definitions
62-16.300	Renewable Energy Technologies Grants Program
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.500	Solar Energy Systems Incentives Program
62-16.600	Renewable Energy Technologies Investment Tax Credit
62-16.700	Renewable Energy Technologies Sales Tax Program
62-16.900	Forms

**PURPOSE AND EFFECT:** The proposed rule amendments will allow for the implementation of an online application system for the Solar Energy Systems Incentives Program, as well as clarify requirements for the Renewable Energy Technologies Grants Programs and Tax Credits. The amendments will also update the rules to include new statutory requirements for the programs.

**SUBJECT AREA TO BE ADDRESSED:** The subjects expected to be addressed in this rule revision are an online application system for the Solar Energy Systems Incentives Program, as well as the requirements the Renewable Energy Technologies Grants Programs and Tax Credit Programs.

**SPECIFIC AUTHORITY:** 377.804(3), 377.806(7), 220.192(3) FS.

**LAW IMPLEMENTED:** 377.801-.804, 377.806, 220.192 FS.

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

**DATE AND TIME:** June 6, 2008, 9:00 a.m.

**PLACE:** Conference Room A of the Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Matthew Stamatoff, 2600 Blairstone Road, MS #19, Tallahassee, Florida 32399-2400, telephone: (850)245-8002, Email: [Matthew.Stamatoff@dep.state.fl.us](mailto:Matthew.Stamatoff@dep.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Matthew Stamatoff, 2600 Blairstone Road, MS #19, Tallahassee, Florida 32399-2400, telephone: (850)245-8002, Email: [Matthew.Stamatoff@dep.state.fl.us](mailto:Matthew.Stamatoff@dep.state.fl.us)

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Detention Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
63G-1.001	Scope
63G-1.002	Definitions
63G-1.003	Determining Residence
63G-1.004	Calculating Estimated Costs
63G-1.005	Fiscally Constrained Counties
63G-1.006	Receipt of Payment
63G-1.007	Quarterly Reporting
63G-1.008	Annual Reconciliation
63G-1.009	Dispute Resolution and Collection

**PURPOSE AND EFFECT:** The amendments are intended to clarify the process by which the costs of detention care are shared by state and county government. Specifically, the rule clarifies the distinction between pre- and post-disposition so that post-disposition will only include days in secure detention following disposition during which a child is awaiting residential placement. The amendments also modify the reporting and reconciliation provisions so that monthly reporting and reconciliation will take place. A per diem rate for detention care will be derived according to a specified formula, and the rate will be used to make monthly adjustments in actual utilization. Dates for reporting and reconciliation are adjusted, and definitions are amended to reflect these changes.

**SUBJECT AREA TO BE ADDRESSED:** The amendments clarify the distinction between pre- and post-disposition, modify the estimation, reporting and reconciliation process, and make corresponding changes to definitions.

**SPECIFIC AUTHORITY:** 985.686(10) FS.

**LAW IMPLEMENTED:** 985.686 FS.

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

**DATE AND TIME:** Friday, June 6, 2008, 10:00 a.m.

PLACE: DJJ Headquarters, Knight Building, General Counsel's Conference Room 3223, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, john.milla@djj.state.fl.us  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.005  
 RULE TITLE: Standards for Certified Nursing Assistant Training Programs

PURPOSE AND EFFECT: The purpose and effect is to set forth the method by which the Board shall evaluate certified nursing assistant training program's compliance with required examination passing rates.

SUBJECT AREA TO BE ADDRESSED: Standards for Certified Nursing Assistant Training Programs.

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

(1) through (4) No change.

(5) If the Board, through an investigation by the department, finds that an approved program no longer meets the required standards, it shall place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within 90 days, the Board shall rescind the approval.

(a) The Board shall review a fraction of the training programs' passing rates. The fraction shall be at the rate of 1/12th every other month.

(b) Each program's passing rate will be reviewed every other year unless placed on probation.

(6) through (11) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New 5-25-03, Amended.

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NOS.: 64B33-2.001, 64B33-2.003  
 RULE TITLES: Licensure Requirements, Requirements for Continuing Education

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address approved entities for certification in resuscitation and the level of training required.

SUBJECT AREA TO BE ADDRESSED: Approved entities for certification in resuscitation and the level of training required.

SPECIFIC AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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 Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the Department. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) Each applicant for licensure shall meet the following requirements:

(a) through (b) No change.

(c) The applicant shall submit proof of current certification in cardiovascular pulmonary resuscitation at the professional rescue level from the American Heart Association, the American Red Cross, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent.

(2) No change.

Specific Authority 456.013(7), (9), 468.705, 468.707 FS. Law Implemented 456.013(7), 468.707 FS. History—New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, 5-9-02, 3-6-07,\_\_\_\_\_.

64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, part XIII, Florida Statutes, shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The continuing education requirement includes current certification in cardiovascular pulmonary resuscitation at the professional rescue level from the American Red Cross, the American Heart Association, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) through (6) No change.

Specific Authority 456.013, 468.705, 468.711(2), (3) FS. Law Implemented 468.711(2) FS. History—New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00, 3-6-07,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-2.005  
 RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the development of a rule to address criteria for the reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: Criteria for the reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036, 468.705 FS.

LAW IMPLEMENTED: 456.036 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 Athletic Training/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 Athletic Training**

RULE NO.: 64B33-3.001  
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a fee for retired status.

SUBJECT AREA TO BE ADDRESSED: Retired status fee.

SPECIFIC AUTHORITY: 456.013, 468.705, 468.707, 468.711 FS.

LAW IMPLEMENTED: 456.013, 468.707, 468.711 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 Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-3.001 Fees.

The following fees are prescribed for athletic trainers:

(1) through (9) No change.

(10) The retired status fee shall be \$50.00.

Specific Authority 456.025, 468.705, 468.709 FS. Law Implemented 456.025, 456.036, 468.709 FS. History—New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended 8-22-00, 9-19-05,\_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Finance**

RULE NOS.: 69V-40.003, 69V-40.025  
 RULE TITLES: Electronic Filing of Forms and Fees, Mortgage Broker Examination

PURPOSE AND EFFECT: The proposed rules require the electronic filing of forms, fees, and reports through the Office of Financial Regulation's Regulatory Enforcement And Licensing (REAL) System. These rules apply to mortgage brokers, mortgage lenders, mortgage brokerage businesses, and mortgage business schools. The rules also require applicants for a mortgage broker license to schedule their appointment to take the mortgage broker examination through the REAL System.

SUBJECT AREA TO BE ADDRESSED: Mortgage Brokers, Mortgage Lenders, Mortgage Brokerage Businesses, and Mortgage Business Schools

SPECIFIC AUTHORITY: 494.0011 FS.

LAW IMPLEMENTED: 494.0011, 494.0033 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Andrea Moreland, Office of Financial Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399, Phone: (850)410-9662, EMAIL:andreamoreland@flofr.com. 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: Gregory C. Oaks, Chief, Bureau of Regulatory Review – Finance, Division of Finance, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0376, Phone (850)410-9805, Facsimile (850)410-9914, E-mail: Greg.Oaks@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.003 Electronic Filing of Forms and Fees

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement And Licensing System, which is accessible through the Office of Financial Regulation’s website at [www.flofr.com](http://www.flofr.com).

(2) All forms adopted under paragraphs 69V-40.002(1)(a) through (d) and (f) through (h), F.A.C., must be filed with the Office of Financial Regulation through the REAL system.

(3) All fees required to be filed with the Office of Financial Regulation under Chapter 69V-40, F.A.C., must be filed through the REAL System.

(4) Any person may petition for a waiver of the requirement of electronic filing of forms and fees by filing a petition under Rule 28-106.301, F.A.C. The petition must demonstrate a technological or financial hardship that entitles the person to file the form or fees in a paper format. The Office of Financial Regulation will provide any person granted a waiver under this subsection a hardcopy version of the applicable form.

Specific Authority 494.0011 FS. Law Implemented 494.0011 FS. History–New

69V-40.025 Mortgage Broker Examination.

(1) For purposes of this rule, “REAL System” means the Office of Financial Regulation’s Regulatory Enforcement and Licensing System, which is accessible through the Office of Financial Regulation’s website at [www.flofr.com](http://www.flofr.com).

~~(2)(1)~~ Upon filing an application through the REAL System, each test candidate will be responsible for scheduling his or her mortgage broker examination through the REAL system. The Office of Financial Regulation or its designee shall be responsible for the administration and grade notification of the Mortgage Broker Examination. ~~The Office of Financial Regulation or its designee shall notify each applicant of the time, place and date of the examination(s).~~

~~(3)(2)~~ All examinations shall be administered and supervised by proctors who are Office of Financial Regulation employees or its designees. During the examination the examinees shall abide by the instructions of the proctors. Specific instructions for completion of the examination shall be communicated prior to the examination and the examinees shall be permitted to ask reasonable questions relating to the instructions. The Office of Financial Regulation or its designee shall be responsible for determining that the student taking the examination is the actual person authorized to take the examination. Examinees shall not give or receive help from other examinees. There shall be no talking or communication between the examinees while the exam is in progress. Reference materials shall not be permitted in the examination room unless specifically authorized in the instructions.

~~(4)(3)~~ Cheating on an examination or violating test center or examination procedures published orally, in writing, or electronically at the test site by Office of Financial Regulation employees or its designees shall be grounds for denial of licensure by the Office of Financial Regulation. Admission after examination has commenced. Candidates arriving at the assigned examination location after the designated starting time shall be permitted to sit for the examination only after signing a statement clearly specifying the late arrival time and agreeing that they shall have only the time remaining in the examination period to complete the examination. Any candidate that refuses to sign such statement shall be disqualified from the examination and will be rescheduled for the next available examination date if that date is within the candidate’s ninety (90) day application period. However, no candidate shall be admitted to the examination if any other candidate has completed the examination and left the examination room.

~~(5)(4)~~ Conduct which is grounds for exclusion. The following behavior(s) by any candidate is grounds for exclusion, anyone of which shall result in immediate removal from the examination room:

- (a) Unnecessary noise or other disturbance that interferes with the examination process.
- (b) Cheating or attempting to cheat.
- (c) Observing the examination questions or answers of those candidates being tested.
- (d) Removal of any examination materials from the examination room.

Conduct from candidates resulting in the exclusion from an examination shall be grounds for denial of licensure by the Office of Financial Regulation.

~~(6)(5)~~ Candidates failing the examination will be notified of the review procedures and will be responsible for rescheduling another mortgage broker examination through the REAL System. Candidates will not be permitted to schedule an examination that will be conducted on a date beyond the candidate's will automatically be rescheduled for the next examination date provided that date is within their ninety (90) day application period. Candidates who fail the examination may review their examination one time, for a \$30 fee, and must do so at the time and place designated. Requests for a review of an examination and the examination review fee must be filed with the Office of Financial Regulation through the REAL System. Candidates reviewing shall have the right to have access to the examination questions, their examination responses, and the correct answers. Rules of examinee conduct during the review are the same as those for the examination.

~~(7)(6)~~ Examinations will be written and composed of 100 multiple choice questions. Examinations will be written according to the weight content area as provided in the candidate Study Guide. The following conditions shall apply:

(a) Candidates must use a number 2 lead pencil to mark their choices on the answer sheet provided.

(b) The examination will be scored on the basis of 100 points.

(c) An applicant who receives a grade of 75 points or higher shall be passed. A passing score will be valid for a period of 2 years from the date of passing the examination.

(d) Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period.

(e) Candidates may use a non-programmable hand held or battery type calculator.

(f) Test scores will be derived from the number of correct responses.

(g) Candidates will not be permitted to refer to any notes, books or memoranda.

~~(8)(7)~~ Candidates will be allowed 3 hours to complete the examination, provided the candidate was not admitted to the examination late in which case the candidate will be limited to the time remaining in the original 3 hour period. Candidates will be permitted to use a non-programmable hand held or battery type calculator.

~~(9)(8)~~ Notification of results. The applicant will be notified of the results of the examination by the Office of Financial Regulation or its designee.

Specific Authority 494.0011(2) FS. Law Implemented 494.0033(2)(b) FS. History--New 10-1-91, Amended 6-8-92, Formerly 3D-40.025, Amended 3-23-08,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.003	Shellfish Harvesting Area Standards
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions

**PURPOSE AND EFFECT:** This amendment proposes to reclassify the shellfish harvesting area #37 Citrus County. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommended reclassification of the Citrus County shellfish harvesting area.

**SUMMARY:** The proposed reclassification of the Citrus County shellfish harvesting area will, for Winter months, increase the size of the conditionally approved area by 30,222 acres, from 34,250 acres to 64,472 acres, increase the size of conditionally restricted area by 1,939 acres, from 2,065 acres to 4,004 acres, and decrease the size of the prohibited area by 320 acres, from 7,700 acres to 7,380. For the Spring/Summer months, reclassification of the shellfish harvesting area will establish an approved area of 66,608 acres which will increase the size of the previous conditionally approved area by 32,358 acres, from 34,250 acres, establish a restricted area of 1,867 acres which will decrease the size of the previous conditionally restricted area by 198 acres, from 2,065 acres, and decrease the size of prohibited area by 320 acres, from 7,700 acres to 7,380. The current management of the Citrus County shellfish harvesting area is based on local rainfall. Proposed management of the Citrus County shellfish harvesting area is based on local rainfall. The average closure frequency of Citrus County Conditionally Approved Winter area is expected to decrease 4.4 days per month from 6.8 days per month to 2.4 days per month, and decrease for the conditionally restricted area by 5.0 days per month from 6.8 to 1.8 days per month. The Spring/Summer approved area only closes during emergency conditions such as red tides, hurricanes and sewage spills. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Citrus County shellfish harvesting area. This amendment places descriptions, references to shellfish harvesting area map numbers and operating criteria for the Citrus County shellfish harvesting area #37 in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. These