

B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

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

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 HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64I-1.001	Definitions
64I-1.002	Services
64I-1.003	Order of Selection
64I-1.004	Scope of Services

PURPOSE AND EFFECT: To develop an order of selection for eligibility to the Brain and Spinal Cord Injury Program (BSCIP) and to define the scope of services provided by the BSCIP.

SUBJECT AREA TO BE ADDRESSED: Order of selection and scope of services.

SPECIFIC AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.7395, 381.745, 381.76, 381.79 FS.

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

DATES AND TIME: August 29, 2008, 8:30 a.m.; September 30, 2008, 8:30 a.m.; October 27, 2008, 8:30 a.m.

PLACE: Physical location for August 29, 2008: Tampa General Hospital, R-200 Rehab Center, 2 Columbia Drive, Tampa, FL 33606; Physical location for September 30, 2008: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, FL 32399; Physical location for October 27: Rhode State Building, Conference Room N423 in North Tower, 401 N. W. 2nd Avenue, Miami, FL 33128

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110. 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: Suzanne Kelly, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399, (850)245-4110

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.009	Constitutional Amendment by Initiative Petition

PURPOSE AND EFFECT: The amendments to this rule update the procedures governing the content of constitutional amendment initiative petitions.

SUMMARY: The proposed amendments primarily implement changes to procedural requirements for submission of constitutional amendment initiative petition forms and their contents. The revised rule clarifies that the sponsoring political committee must include its address in the political disclaimer portion of the form and that no additional information other than that permitted by the rule may be printed on the petition form. The rule deletes the provision that prohibits the bundling of petitions while being circulated for signature because Section 100.371, F.S., now expressly contains the prohibition. The rule also corrects an incorrect citation to the specific authority for the rule and adds the Florida Constitution as an implementing law source.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(2), (7), 101.161(2) FS.

LAW IMPLEMENTED: Art XI, Fla. Const., 100.371, 101.161 FS.

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

DATE AND TIME: Monday, September 8, 2008, 2:00 p.m.

PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, 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: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.009 Constitutional Amendment by Initiative Petition.

(1) Submission of Initiative Petition. Any proposed initiative amendment to the State Constitution to be placed on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to format prior to circulation of the proposed initiative amendment. Such submission shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No initiative petition form for signatures may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Initiative Petition Form. The Division shall review the initiative petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Constitutional Amendment Petition Form."

(c) Includes adequate space for the voter's name, residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

(d) Contains the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length as prescribed in subsection (4).

(e) Conspicuously contains in the following order:

1. The ballot title;
2. The ballot summary;
3. The article and section being created or amended; and
4. The full text of the amendment being proposed. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature to be located below the full text of the amendment being proposed. The Division will not approve petition forms providing for multiple signatures per page.

(g) Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name and address of the sponsoring political

committee, and the name of the entity paying for the advertisement if different from the name of the sponsoring political committee.

(h) Contains space, in accordance with Section 106.19(3), F.S., for the name and address of a paid petition circulator, in the event the petition form is gathered by a paid petition circulator.

(3) Sample Petition Form. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19 (effective 10-15-07), entitled "Constitutional Amendment Petition Form." Form DS-DE 19 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Word Count. The following provisions apply to determine the word count for a ballot title and summary:

(a) Hyphenated compound words count as two or more words.

(b) An ampersand or a plus or minus sign shall count as one word.

(c) Punctuation such as commas, periods, hyphens, question marks, parentheses, quotation marks or exclamation points does not affect the word count.

(d) Each word joined by a forward or back slash to another word counts separately as a word.

(e) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(f) Each word in a name is individually counted. Example: George Washington shall count as two words.

(g) Each whole number shall count as a word.

(h) Spaces do not affect the word count.

(5) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials ~~that support the proposed amendment~~ shall be printed directly on the form.

(6) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number 06-1. The serial number assigned must be printed in the lower right hand corner of the petition form.

(7) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The Division of Elections must approve any material change to a previously approved petition form. A material change

constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Division of Elections.

~~(8) Bundling. No initiative petition form circulated for signature may be bundled with or attached to any other petition form.~~

~~(9)~~(9) Reproduction. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided such forms are reproduced in the same format as approved by the Division. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

~~(10)~~(10) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the Supervisors of Elections for verification of signatures in accordance with Rule 1S-2.0091, F.A.C.

~~(11)~~(11) Effect on Previously Approved Petition Form. Any petition form approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering unless a material change to the previously approved petition form has been approved by the Division of Elections or until the sponsoring political committee notifies the Division of Elections that the committee is no longer seeking to obtain ballot position, or the registration of the sponsoring political committee has been revoked in accordance with Rule 1S-2.021, F.A.C.

Specific Authority 20.10(3), 97.012(1), 100.371(2)(3), (7), 101.161(2) FS. Law Implemented Art XI, Fla. Const., 100.371, 101.161 FS. History—New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, 7-31-02, 3-16-06, 10-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.0091
 RULE TITLE: Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification

PURPOSE AND EFFECT: The amendments to this rule primarily are based upon amendments to Section 100.371, Florida Statutes, in Chapter 2008-95, Laws of Florida. The amendments altered the requirements relating to the recording by the supervisors of elections and the determination by the Secretary of State regarding verified signatures on citizen constitutional initiative petition forms.

SUMMARY: The proposed amendments to this rule delete the requirement that verified signatures be recorded in the statewide voter registration system. The revised rule adopts a paper certification system for use by the supervisors of elections in reporting signature verifications to the Secretary of State. The amended rule prescribes that the petition signatures must be verified and reported to the Division of Elections no later than 5:00 p.m. on February 1st of the year in which the general election is held in order for the signatures to be timely filed in determining whether the requisite number of signatures has been obtained for ballot position. Revocation petitions also have to be reported to the Division by the same deadline in order for the revocations to be deducted from the number of verified signatures on the corresponding initiative petition. The revised rule also deletes obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(7) FS. LAW IMPLEMENTED: Art XI, Fla. Const., 100.371 FS.

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

DATE AND TIME: Monday, September 8, 2008, 2:00 p.m.
 PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, 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: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification.

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the petition form:

1. Was, at the time of signing and verification of the petitions, a registered voter in the county in which the petition is submitted,
2. Had not previously revoked his or her signature on the petition,
3. Had not signed the petition form more than four years prior to the date the Supervisor verified the petition, and
4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's name,
2. The voter's residential street address (including city and county),
3. The voter's date of birth or voter registration number,
4. The voter's original signature, and
5. The date the voter signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4) Recordation of Verification. ~~No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature.~~ The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition. Upon completion of the verifications as set forth in subsection (2), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures verified and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the filing deadline, followed by the original certificates sent by mail.

~~(5)(a) Filing Deadline. Determination of Constitutionally Requisite Number of Signatures. The Division shall determine from the verified petition signatures recorded in the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be verified and reported to the Division recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.-~~

~~(6)(b) Effect of Revocation Petition. Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations reported to the Division recorded no later than 5:00 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures reported recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.~~

~~(c) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5:00 p.m. on February 1 of the year in which the next~~

~~general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.~~

~~(7)(5)~~ Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented Art XI, Fla. Const., 100.371 FS. History--New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06, 10-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-2.0095	Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

PURPOSE AND EFFECT: The amendments to this proposed rule primarily implement the amendments to Section 100.371, Florida Statutes, in Chapter 2008-95, Laws of Florida. The statutory amendments deleted the requirement that verified signatures on petition revocation forms be recorded in the statewide voter registration system; mandated the adoption of petition revocation forms, to include a standard form when no corresponding initiative petition has been submitted and approved; specifically prohibited the bundling of petition forms circulated for signature; and mandated the adoption by rule of petition-revocation forms.

SUMMARY: The proposed amended rule removes the requirement that signature verifications on revocation petitions be recorded in the statewide voter registration system; instead, the rule institutes a paper certification procedure. The rule also adopts and incorporates a standard revocation form to be used when no sponsor of a revocation petition form exists. The rule deletes the provision that prohibits bundling of revocation

petitions as being unnecessary, because Section 100.371, F.S., requires that the manner in which signatures on petition revocation forms are obtained be subject to the same requirements as the corresponding petition form. The statute now expressly provides that petition forms cannot be bundled while being circulated for signature. The rule clarifies that the sponsoring political committee also must include its address in the political disclaimer portion of the revocation form and that no additional information other than that required by the rule may be printed on the petition revocation form. The rule also deletes obsolete language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 100.371(7) FS. LAW IMPLEMENTED: 100.371, 101.161 FS.

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

DATE AND TIME: Monday, September 8, 2008, 2:00 p.m.
PLACE: Room 307, R. A. Gray Building, 500 S. Bronough Street, 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: Nolah Shotwell, Executive Assistant, Office of General Counsel, Florida Department of State at (850)245-6536; nshotwell@dos.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 IS: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0095 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

(1) Submission of Petition Revocation Form. Prior to circulation of a petition revocation form, any person or group sponsoring the revocation effort must register as a political committee pursuant to Chapter 106, F.S., and must obtain approval of the petition revocation form from the Division of Elections. Submissions shall be in writing and shall include a

copy or a facsimile of the proposed form to be circulated. No petition revocation form may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Petition Revocation Form. The Division shall review the petition revocation form submitted by the sponsoring political committee solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The format of the petition revocation form is deemed sufficient only if the form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Petition Revocation Form."

(c) Includes adequate space for the voter's name; residential street address, city, and county at the time of signing the initiative petition for which the signature is being revoked; voter registration number; date of birth; signature; and date of signature.

(d) Contains the ballot title and ballot summary of the proposed amendment in the initiative petition for which the signature is being revoked.

(e) Conspicuously contains the full text of the amendment for which the signature is being revoked, as indicated in the initiative petition as approved in Rule 1S-2.009, F.A.C. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature, to be located below the full text of the amendment for which the signature is being revoked.

(g) Contains instructions below the signature of the voter that provide:

1. The Supervisor of Elections may not accept the petition revocation form directly from the voter;

2. The voter shall return the form to the political committee sponsoring the revocation petition; and

3. The contact information for the political committee sponsoring the revocation petition, which at a minimum, shall include its name and mailing address.

(h) Is marked, in accordance with Section 106.143, F.S., with the appropriate disclaimer which identifies the name and address of the political committee sponsoring the revocation effort and the name of the entity paying for the petition, if different from the name of the committee sponsoring the revocation effort.

(i) Contains space for the name and address of a paid petition circulator in the event the petition revocation form is gathered by a paid petition circulator.

(3) Format of Petition Revocation Form.

1. The format of the initiative petition revocation form sponsored by a political committee and submitted for review and approval by the Division of Elections shall be substantially

in accordance with Form DS-DE 19R (eff. 8/1/07), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

2. Any voter desiring to revoke his or her signature on an initiative petition when a political committee has not submitted and obtained approval of a petition-revocation form for the petition, shall use Form DS-DE 19R-SF (eff. 7/1/08), entitled "Petition Revocation Standard Form." Form DS-DE 19R-SF is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition revocation form may be returned by mail to the political committee, no additional information or materials ~~that relate to the initiative petition or the petition revocation~~ shall be printed directly on the form.

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form sponsored by a political committee. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

~~(6) Bundling. No petition revocation form circulated for signature may be bundled with or attached to any other petition form or petition revocation form.~~

~~(6)(7) Reproduction.~~

(a) Petition-Revocation Forms Sponsored by a Political Committee. Blank pPetition-revocation forms sponsored by a political committee may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by the Division. The blank petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(b) Form DS-DE 19R-SF. A blank Form DS-DE 19R-SF may be reproduced by downloading from the Internet or photocopying another blank form, provided such form is reproduced in the same format as produced by the Division. Only an employee of the Division of Elections or a Supervisor of Elections' office, the voter who intends to sign the form, or someone at the voter's request may download or provide the voter with a copy of Form DS-DE-19R-SF for submission to a Supervisor of Elections.

~~(7)(8)~~ Submission of Signed Petition Revocation Forms. All signed petition revocation forms, except for those properly submitted on Form DS-DE 19R-SF, shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. When there is no sponsoring political committee, a voter shall submit the Form DS-DE 19R-SF directly to the Supervisor of Elections' office in person, through a person acting on the voter's behalf, or by mail, along with the signature verification fee required by Section 99.097(4), F.S. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

~~(8)(9)~~ Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each petition revocation form within 30 days of receipt of the form and shall confirm that:

1. The underlying original initiative petition on which the signature is being revoked was verified;
2. The date the petition revocation form was signed by the voter is not more than 150 days from the date the underlying original initiative petition was signed; and
3. The voter is a registered voter in Florida at the time of verifying the signature on the petition revocation form.

(b) The Supervisor shall not verify a signature on a petition revocation form unless all of the following information is contained on the petition revocation form:

1. The voter's name;
2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;
3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition revocation form, as recorded by the voter.

~~(9)(10)~~ Recordation of Verification. ~~No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system.~~ The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date

the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition. Upon completion of the verifications as set forth in subsection (8), the Supervisors of Elections shall submit to the Division of Elections a certificate indicating the number of verified revocations and the distribution by congressional district. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one revocation form to which the verified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by the original certificates sent by mail.

~~(10)(11)~~ Filing Deadline. In order for a petition revocation form to count against the number of signatures recorded as verified for the underlying original initiative petition for the next general election, the signed petition revocation must be verified and received by Division of Elections entered into the statewide voter registration system no later than 5:00 p.m. of February 1 preceding the next general election in which the initiative amendment is certified for ballot position.

~~(11)(12)~~ Availability of Forms. The sponsoring political committee for the petition revocation effort shall provide each supervisor of elections with petition revocation forms for distribution at the main and branch offices of the supervisor of elections.

~~(12)(13)~~ Irrevocable Effect of Revocation. A voter may sign only one petition revocation form for the underlying original petition. In accordance with Section 104.185, F.S., when a voter signs a petition revocation form, the voter may not again sign the initiative petition on which the voter is seeking to revoke his or her signature.

~~(14) Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.~~

Specific Authority 20.10(3), 97.012(1), 100.371(7), 101.161 FS. Law Implemented 100.371, 101.161 FS. History—New 10-15-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary J. Holland, Assistant General Counsel, Office of General Counsel, Florida Department of State at (850)245-6536; email: gjholland@dos.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kurt S. Browning, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 15, 2008

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-10.001	Purpose and Applicability
5M-10.002	Definitions
5M-10.003	Land Application Requirements
5M-10.004	Record Keeping

PURPOSE AND EFFECT: The purpose of this proposed rule is to provide requirements for agricultural operations that land-apply animal manure in the Caloosahatchee and St. Lucie River watersheds. Adherence to these requirements will reduce non-point source nutrient-related impacts within these watersheds and will help ensure that discharges from farms using manure as a fertilizer product have minimal individual or cumulative adverse impacts to state water resources.

SUMMARY: This proposed rule establishes requirements for agricultural operations that land-apply animal manure in the Caloosahatchee and St. Lucie River watersheds, including a threshold beyond which producers must develop and implement a Conservation Plan or Nutrient Management Plan that contains specific manure application requirements and limitations. The rule also requires record-keeping provisions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 373.4595(4)(a)2., 373.4595(4)(b)2. FS.

LAW IMPLEMENTED: 373.4595(4)(a)2., 373.4595(4)(b)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)617-1700 or fax (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-10.001 Purpose and Applicability.

The purpose of this rule is to provide requirements for agricultural operations that land-apply animal manure in the Caloosahatchee and St. Lucie River watersheds. Animal feeding operations or concentrated animal feeding operations subject to the permitting requirements in Chapter 62-670, F.A.C., are not affected by this rule.

Specific Authority 373.4595(4)(a)2., 373.4595(4)(b)2. FS. Law Implemented 373.4595(4)(a)2., 373.4595(4)(b)2. FS. History–New _____.

5M-10.002 Definitions.

(1) “Animal Manure” is animal excrement or animal waste and any mixed materials, including bedding, compost, yard waste, or other raw materials.

(2) “Conservation Plan” is a record of the decisions and supporting information for treatment of a unit of land or water consistent with the NRCS Field Office Technical Guide (FOTG) quality criteria for soil, water, air, plants, and animals, and takes into account economic and social considerations. The plan must be consistent with the NRCS National Planning Procedures Handbook, as amended, be approved by NRCS or an authorized technical service provider, and specify the schedule of operations and activities needed to address identified natural resource issues. The National Planning Procedures Handbook, Amendment 4, may be viewed at <http://policy.nrcs.usda.gov>, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(3) “Nutrient Management Plan” is a record of the agricultural operation’s planned actions developed in accordance with Section IV, Code 590 of United States Department of Agriculture-Natural Resources Conservation Service (NRCS) FOTG. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients, including manure, animal by-products, and soil amendments. The plan must be approved by NRCS or an authorized technical service provider. Code 590, Nutrient Management, may be viewed at <http://www.nrcs.usda.gov/Technical/efotg/>, or obtained from NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

Specific Authority 373.4595(4)(a)2., 373.4595(4)(b)2. FS. Law Implemented 373.4595(4)(a)2., 373.4595(4)(b)2. FS. History–New _____.

5M-10.003 Land Application Requirements.

(1) Agricultural operations that land-apply animal manure within the Caloosahatchee and St. Lucie River watersheds shall:

(a) Apply manure uniformly at a phosphorous-based agronomic rate, as determined by soil or plant tissue test results;

(b) Not apply manure when the soil is saturated or inundated with water;

(c) Not apply manure within 30 feet of any sinkhole, wetland or other surface waters as defined in Section 403.031, F.S.; and

(d) Not apply manure within 100 feet of an existing drinking water well.

(2) In addition to meeting the requirements in subsection (1), agricultural operations that land-apply animal manure at a rate that exceeds one ton per acre per year shall:

(a) Develop and implement a Nutrient Management Plan as defined in Rule 5M-10.002, F.A.C. The Nutrient Management Plan may be developed as part of a Conservation Plan as defined in Rule 5M-10.002, F.A.C. The plan shall be updated at least every five years; and

(b) Not apply manure within 50 feet of any sinkhole, wetland or surface waters as defined in Section 403.031, F.S.

Specific Authority 373.4595(4)(a)2., 373.4595(4)(b)2. FS. Law Implemented 373.4595(4)(a)2., 373.4595(4)(b)2. FS. History—New _____.

5M-10.004 Record Keeping.

All agricultural operations affected by this rule must document the dates of animal-manure applications and the annual application amounts, calculated on a pounds per acre basis for nitrogen and phosphorus, and submit this information annually to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, Florida 32301. Producers who are required to have a Conservation Plan or Nutrient Management Plan pursuant to Rule 5M-10.003, F.A.C., must keep these plans onsite. All record-keeping documentation must be maintained for a minimum of five years and is subject to inspection.

Specific Authority 373.4595(4)(a)2., 373.4595(4)(b)2. FS. Law Implemented 373.4595(4)(a)2., 373.4595(4)(b)2. FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lois T. Pride, Assistant Director, Office of Agricultural Water Policy
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Richard J. Budell, Director, Office of Agricultural Water Policy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2008

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 CITRUS

RULE NOS.:	RULE TITLES:
20-9.001	Fresh Form
20-9.002	Processed Form
20-9.004	Fruit Handled by Express and Gift Package Shippers
20-9.005	Requirements to Guarantee Payment of Excise Tax
20-9.006	Late Filing of Returns and Inadequacy of Bond

PURPOSE AND EFFECT: Deferring reporting of early season fruit and payment of taxes until after tax rate is approved by the FCC per statutory change to Section 601.15(3)(e), F.S.

SUMMARY: Deferring reporting of early season fruit and payment of taxes until after tax rate is approved by the FCC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.15(1), (5), (6), (10)(a), 601.155(3), (7) FS.

LAW IMPLEMENTED: 601.15(1), (3), (5), (6), (9), 601.152, 601.154, 601.155(6), (7), (9) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 17, 2008, 10:45 a.m.
 PLACE: Florida Department of Citrus, 1115 E Memorial Blvd., Lakeland, FL 33801

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bill Jones at (863)499-2499. 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 RULES IS: Alice P Wiggins, License & Regulation Specialist, (863)499-2519 or awiggins@citrus.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

20-9.001 Fresh Form.

(1) Filing excise tax returns: All excise tax returns required to be filed by handlers of citrus entering the primary channel of trade in fresh form shall be filed with the Department of Citrus each week with the first cumulative

report due by November 10. Returns shall state ~~stating~~ the number of standard shipping boxes of 4/5 bushels, or equivalent, of each variety of citrus fruit handled during the preceding period or week. Excise taxes shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.) and shall be due and payable, or the amount guaranteed as hereinafter provided, when the citrus fruit is first handled in the primary channels of trade allowing a deferral for fruit handled prior to November until the November 10 deadline. Payment of taxes shall be remitted with the excise tax return for a period reported unless other payment schedules are prescribed in Chapter 20-9, F.A.C.

(2) No change.

Specific Authority 601.10(1), 601.15(1),(10)(a) FS. Law Implemented 601.15(5),(6) FS. History--Formerly 105-1.15(1), Revised 1-1-75 §(2), Amended 2-1-81, Formerly 20-9.01, Amended 7-21-92, 11-27-01,_____.

20-9.002 Processed Form.

(1) Filing excise tax returns: All excise tax returns required by law to be filed by handlers of citrus fruit sold or delivered for processing in the State shall be filed on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.), and shall be filed with the Department of Citrus each week with the first cumulative report due by November 10. Returns shall state ~~stating~~ the number of standard packed boxes of 1-3/5 bushels, or equivalent thereof in other containers or in bulk, received during the preceding week. Excise taxes shall be due and payable at the time of delivery of such fruit to the handler, allowing a deferral for fruit handled prior to November until the November 10 deadline.

(2) All persons or entities required to file excise tax returns pursuant to Section 601.155, Florida Statutes, shall file, each week, an excise tax return on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.).

(a) No change.

(b) Equalizing excise taxes shall be due and payable within 61 days after the first of the taxable privileges is exercised in this state. Taxable privileges exercised during August are due and payable by November 10, after the tax rate has been established in October.

(c) through (d) No change.

(3) through (4) No change.

Specific Authority 601.10(1), 601.15(1), (10)(a), 601.155(3), (7) FS. Law Implemented 601.15(5), (6), 601.155 FS. History--Formerly 105-1.15(2), Revised 1-1-75, § (2), Amended 11-21-77, 8-1-80, § (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94, 10-22-95, 8-1-97, 8-3-00, 11-27-01, 7-23-03, 7-25-06,_____.

20-9.004 Fruit Handled by Express and Gift Package Shippers.

(1) Filing excise tax returns:

(a) Every shipper of express or gift packages shall file, as directed by the Department of Citrus, weekly returns of all fruit shipped in the preceding week with remittance attached for total excise taxes due, with the first cumulative report due by November 10.

(b) through (c) No change.

(d) The advertising excise taxes shall be due and payable at the time of offering such fruit for shipment allowing a deferral for fruit handled prior to November until the November 10 deadline.

(2) through (3) No change.

Specific Authority 601.10(1), 601.15(1), (10)(a) FS. Law Implemented 601.15(3), (5), (6), 601.152, 601.154 FS. History--Formerly 105-1.15(4), Revised 1-1-75, Formerly 20-9.04, Amended 12-10-95, 4-14-96, 11-27-01,_____.

20-9.005 Requirements to Guarantee Payment of Excise Tax.

To qualify to guarantee to the Department of Citrus payment of any excise tax imposed by law:

(1) No change.

(2) The total amount of such cash bond, surety bond or certificate of deposit shall be in an amount based upon the following formula:

(a) To determine the total estimated tax liability of the handler, multiply the number of boxes or equivalent boxes utilized in the prior season, or estimated utilization during the current season, including the exercised privileges of imported products, whichever is greater, times the total average tax rate from the prior season for fresh form and processed form ~~for the period covered by the bond.~~

(b) through (c) No change.

Specific Authority 601.10(1), 601.15(1), (5), (6), (10)(a) FS. Law Implemented 601.15(1), (5), (6), 601.152, 601.154, 601.155 FS. History--Formerly 105-1.15(5), Revised 1-1-75, Amended 11-21-77, 8-1-80, 2-1-81, 8-1-83, Formerly 20-9.05, Amended 11-27-01,_____.

20-9.006 Late Filing of Returns and Inadequacy of Bond.

All excise taxes levied and imposed on citrus fruit or product shall be paid or the amount thereof guaranteed at the time the fruit is first handled in the primary channel of trade, allowing a deferral for fruit handled prior to November until the November 10 deadline. Payments not made the week following entry into the primary channel of trade become delinquent for payments due after November 10. Payment shall be made in accordance with Rules 20-9.001, 20-9.002, 20-9.003 and 20-9.004, F.A.C.

(1) through (2) No change.

Specific Authority 601.10(1), (7), 601.15(1), (5), (6), (10)(a) FS. Law Implemented 601.15(5), (6), (9), 601.152, 601.154, 601.155(6), (7), (9), 601.27 FS. History--Formerly 105-1.15(6), Revised 1-1-75, Formerly 20-9.06, Amended 12-13-92, 10-17-93, 11-27-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenneth O. Keck, Executive Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Citrus Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The District needs accurate water use data from permittees to fulfill its statutory responsibilities and to protect the state's water resource. This information is crucial in determining permit compliance, calculating conservation credits, estimating water use and for use in water supply planning. District rules require that flow meters required by Water Use Permits be tested for accuracy every 5 years. Currently permittees have their flow meters tested and submit the information in many different formats. To ensure that the testing is properly performed so that the flow meters are accurately tested and results reported, standardized testing and reporting requirements and a standardized test report form have been developed. The proposed rule amendments incorporate the new flow meter accuracy test form.

SUMMARY: The proposed amendments will adopt a flow meter test form to be used to demonstrate meter testing and reporting accuracy as required by Chapter 40D-2, F.A.C., Water Use Permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 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, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Cohen, Senior Professional Engineer, Regulation Performance Management Section, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4300

THE FULL TEXT OF THE PROPOSED RULE 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 (26) No change.

SURFACE WATER

(1) through (15) No change.

OTHER

(1) No change.

(2) FLOW METER ACCURACY VERIFICATION FORM, FORM NO. LEG-R.014.00 (07/08).

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, 668.50 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, 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, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ron Cohen, Senior Professional Engineer, Regulation Performance Management Section, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4300

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The District needs accurate water use data from permittees to fulfill its statutory responsibilities and to protect the state's water resource. This information is crucial in determining permit compliance, calculating

conservation credits, estimating water use and for use in water supply planning. District rules require that flow meters required by Water Use Permits be tested for accuracy every 5 years. Currently permittees have their flow meters tested and submit the information in many different formats. To ensure that the testing is properly performed so that the flow meters are accurately tested and reported, standardized testing and reporting requirements and a standardized test report form have been developed.

SUMMARY: The proposed amendments specify how to satisfy the Water Use Permit flow meter accuracy verification reporting requirements currently contained in Chapter 40D-2, F.A.C., Water Use Permits. In order to demonstrate compliance with flow meter testing and accuracy requirements the amendments require documentation of test equipment operator competency and test equipment calibration, a diagram and picture depicting the configuration and location of the test equipment, flow meter and pump, and use of the Flow Meter Accuracy Verification Form to report the results of the testing. Alternative methods to demonstrate compliance with the meter accuracy requirements are allowed for existing systems that would have to be retrofitted in order to allow for the specified testing. Clarifications are made to the procedure for reporting pumpage when a flow meter is not functioning correctly. In addition, staff has moved some existing language from one chapter of the Basis of Review to another to consolidate related provisions and to clarify the process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Cohen, Senior Professional Engineer, Regulation Performance Management Section, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4300

THE FULL TEXT OF THE PROPOSED RULE 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 (____) (~~7-20-08~~)" 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, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Cohen, Senior Professional Engineer, Regulation Performance Management Section, Regulation Performance Management Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4300

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW
Chapter

5.0 MONITORING REQUIREMENTS

The following provisions are added to the end of section 5.1. The paragraphs under the heading "Flow Meters" are primarily replicated from Chapter 6, the section titled "PUMPAGE REPORTING, 5. Flow Meters" except as noted through strikeout/underline. All other paragraphs are new:

Flow Meters

All required flow meters shall adhere to the following requirements and shall be installed and maintained as follows:

1. All meters shall be non-resettable, totalizing flow meters that have a totalizer of sufficient magnitude to retain total gallon data for a minimum of the three highest consecutive months permitted quantities. If other measuring devices or alternative ~~other~~ accounting or reporting methods are proposed, prior to installation, the Permittee shall submit documentation that the other measuring devices or accounting methods meet the accuracy requirement provided below stipulations listed in this condition. If the alternative

accounting method involves a meter belonging to another entity or to an alternative water supply provider, the Permittee shall submit documentation from the owner/supplier that the meter readings conform to these meter requirements. Approval for other measuring devices, or accounting methods must be obtained in writing from the Regulation Department Director.

a. The flow meter(s) or other approved flow-measuring device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.

b. Accuracy testing requirements:

i. For newly metered withdrawal points, the flow meter installation water piping system shall be designed for inline field access for meter accuracy testing.

ii. The meter shall be tested for accuracy on-site, as installed, every five years beginning from the date of its installation for new meters or from the date of initial issuance of ~~the this permit condition containing the metering condition with an accuracy test requirement for existing meters.~~

iii. The testing frequency will be decreased if the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted.

iv. The test will be accepted by the District only if performed by a person certified on knowledgeable in the test equipment used as described in the section entitled Flow Meter Verification, below.

v. If the actual flow is found to be greater than 5% different from the measured flow, within 30 days the Permittee shall have the meter re-calibrated, repaired, or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.

2. The meter shall be installed according to the manufacturer's instructions for achieving accurate flow to the specifications above, or it shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the upstream line. Existing systems that would require retrofitting to achieve the above standards will not be required to retrofit provided it is documented on the Flow Meter Accuracy Verification Form, Form No. LEG-R.014.00 (07/08) that the flow meter is accurately and reliably measuring flow over different flow ranges or for the permanent operating flow.

3. If a metered withdrawal point, AWS inflow line or re-pump withdrawal point is not utilized during a given month, the meter report shall be submitted to the District showing the same meter reading that was submitted the previous month.

4. Broken or malfunctioning meter:

a. If the meter or other flow-measuring device malfunctions or breaks, the Permittee shall:

a. Notify the District within 15 days of discovering the malfunction or breakage;

b. ~~The meter must be~~ Replaced the broken or malfunctioning meter with a repaired or new meter, subject to the ~~same~~ specifications given above, within 30 days of the discovery; and

c. Submit estimates of their pumpage as described below.

e. If the meter is removed from the withdrawal point for any other reason, it shall be replaced with another meter having the same specifications given above, or the meter shall be reinstalled within 30 days of its removal from the withdrawal. In either event, the withdrawal point shall not lack a fully functioning meter shall not be off the withdrawal point for more than 60 consecutive days.

5. While the meter is not functioning correctly off the withdrawal, the Permittee shall document the total amount of time in minutes that the withdrawal point was used for each month and multiply those minutes times the pump capacity (in gallons per minute) for total gallons estimate their use by multiplying the number of hours the withdrawal point was used during that month times the flow capacity of the pump or mainline, whichever is appropriate, or the Permittee may request instructions on how to estimate use from the Permit Data Section. The estimate of the number of gallons used each month during that period shall be submitted on District scanning forms and noted as estimated per instructions on the form ~~noted as an estimate when it is submitted to the District.~~ The reason for the necessity to estimate pumpage shall be reported with the estimate.

6. In the event a new meter is installed to replace a broken meter, the meter # and its installation shall meet the specifications of this Chapter condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

Transferred from Chapter 6 -08

Flow Meter Verification

The following requirements pertain to the required flow meter testing:

1. Operators of meter testing equipment shall hold a valid certificate of competency to operate the type of equipment used. Certification from the test equipment manufacturer, or other recognized training entities will suffice. A copy of this certification shall be provided to the District with the Flow Meter Accuracy Verification Form, Form No. LEG-R.014.00 (07/08).

2. The test equipment shall have been calibrated within the previous twelve months of the submitted test and comply with current National Institute of Standards and Technology (N.I.S.T.) standards. A valid Certificate of Calibration, showing the date of calibration and N.I.S.T. traceability shall be provided to the District with the Flow Meter Accuracy Verification Form.

3. The Flow Meter Accuracy Verification Form, Form No. LEG-R.014.00 (07/08) shall be completed and provided to the District for each flow meter tested. This form can be obtained from the District’s website (www.watmatters.org). If the test equipment provides a printout of data that was input, this shall be submitted with the worksheet. The equipment’s water temperature shall be set to 72 degrees for ground water, and for other water sources the measured water temperature shall be used.

4. A diagram showing the precise location on the pipe where the testing equipment was mounted shall be supplied with the form. This diagram shall also show the pump, installed meter, the configuration (with all valves, tees, elbows, and any other possible flow disturbing devices) that exists between the pump and the test location clearly noted with measurements. If flow straightening vanes are utilized, their location(s) shall also be included in the diagram.

5. A picture(s) of the test location, including the pump, installed flow meter, and the measuring device, or for sites where the picture does not include all of the items listed above, a picture of the test site with a notation of distances to these items.

6. A minimum of two separate timed tests shall be performed for each meter. Each timed test shall consist of measuring flow using the test meter and the installed meter for a minimum of four minutes duration. If the two tests do not yield consistent results, additional tests shall be performed for a minimum of eight minutes or longer per test until consistent results are obtained. If the installed meter has a rate of flow, or large multiplier that does not allow for consistent results to be obtained with four- or eight-minute tests, the duration of the test shall be increased as necessary to obtain accurate and consistent results with respect to the type of flow meter installed. The results of two consistent tests shall be averaged, and the result will be considered the test result for the meter being tested. This result shall be expressed as a plus or minus percent (rounded to the nearest one-tenth percent) accuracy of the installed meter relative to the test meter. The percent accuracy indicates the deviation (if any), of the meter being tested from the test meter.

7. Flow meters that fail to meet the District’s accuracy requirements must be repaired or replaced within 30 days. These meters shall be retested after the repair and the results submitted to the District within 30 days of the test.

____-08

Chapter

6.0 PERMIT CONDITIONS

The following change is made to the section titled “Pumpage Reporting”:

PUMPAGE REPORTING

6. Flow Meters

The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal facility shall be recorded on a monthly

basis within the last week of the month. The meter reading(s) shall be reported to the Permit Data Section, Regulation Performance Management Records and Data Department on or before the tenth day of the following month. (using District-supplied scanning forms shall be used to submit the meter readings, unless the District has approved another arrangement for submission of this data has been approved in writing by the District.) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following withdrawals facilities shall be metered as applicable:

a. Standby Permittees with permitted withdrawal facilities those that provide back-up water for another that are on standby status (a standby withdrawal point in the event the another withdrawal point becomes unusable to be used when cannot be used), or where all permitted quantities are on standby for alternative water supplies, shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] before using the standby quantities.

b. Standby withdrawal facilities (those that are on standby as backup for alternative water supplies), District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee District ID No(s).], shall be metered upon permit issuance.

c. Permittees with permitted W withdrawal facilities that are not yet constructed, shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] shall be metered within 90 days of completion of construction of the withdrawal facility.

d. Permittees with Existing permitted withdrawal facilities shall continue to be metered, with maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).].

e. Permittees with previously un-metered existing withdrawal facilities, shall install meters on District ID No(s). [Specify District ID No(s).], Permittee ID No(s). [Specify Permittee ID No(s).] shall be metered upon permit issuance.
1-1-03, Revised 1-1-07, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-1.009
RULE TITLE: Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose and effect of this proposed rule is to repeal confidentiality and disclosure of information language. These requirements are included under federal and state laws; and the contracts between the department and area agencies on aging (AAAs), the AAAs

with case management agencies, and the case management agencies and service providers. Therefore, the language is repetitive and unnecessary.

SUMMARY: This rule is being repealed, as the information is included under federal and state laws and the various contractual agreements among the parties noted under Purpose and Effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This proposed rule repeal will not have an impact on small business as defined in Section 288.703, F.S.; therefore a statement of estimated regulatory costs has not been prepared.

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

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Florida.

LAW IMPLEMENTED: 20.41, 410.016(2)(e), 410.0295, 410.037, 410.302, 410.403, 410.605, 430.05 FS., ch. 91-115, s. 10, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2000; Email address: crocethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-1.009 Confidentiality and Disclosure of Information.

~~(1) Information described in subsection (2) is confidential and exempt from the public records law, Section 119.07(1), F.S. It shall not be disclosed to the public in such a way as to identify the elderly person, unless written consent is provided by the elderly person or his or her guardian.~~

~~(2) Information about functionally impaired elderly or disabled adults, Alzheimer's disease patients, or information on individuals who receive benefits from Departmental programs based on their relationship to eligible persons, where information is received by or through Department files, reports, inspections or in any other way, shall not be disclosed without express written permission from the impaired or disabled adult or the eligible party affected.~~

~~(3) This rule prohibits disclosure of information regarding the client supplied to officers and employees of the Department, to Area Agencies on Aging and their officers and employees, to persons who volunteer their services, and to persons or entities who provide service under contract with the Department, unless otherwise directed as per subsections 58A-1.009(1) and (2), F.A.C.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Florida. Law Implemented 20.41, 410.016(2)(e), 410.0295, 410.037, 410.302, 410.403, 410.605, 430.05 FS., ch. 91-115, s. 10, Laws of Florida. History--New 12-23-81, Formerly 10A-11.09, 10A-11.009, Amended 3-28-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2008

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE NO.: 58C-1.004
 RULE TITLE: Application Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to repeal the application process for entities desiring to become lead agencies and core service providers under the Community Care for the Elderly Program.

SUMMARY: This rule is being repealed, as the application process is included in the contractual agreement between an area agency on aging and case management agency, or case management agency and the core service providers. Therefore, the language is repetitive and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This proposed rule repeal will not have an impact on small business as defined in Section 288.703, F.S.; therefore a statement of estimated regulatory costs has not been prepared.

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

SPECIFIC AUTHORITY: 430.08 FS.

LAW IMPLEMENTED: 430.204, 430.205 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone number: (850)414-2000; Email address: crocethj@elderaffairs.org

THE FULL TEXT OF THE PROPOSED RULE IS:

58C-1.004 Application Procedures.

~~(1) Prior to advertising for the lead agency, each Area Agency on Aging, shall review the results of the most current aging needs assessment and waiting lists for services in each service area in order to determine the area of the planning and service area most in need of core services and which core services are most needed.~~

~~(2) Existing Community Care for the Elderly lead agencies and core service providers shall submit a service provider application each year in order to be considered for refunding. The Service Provider Application is DOEA Form #218, dated September 1994, available in the Office of the Department Secretary, and herein incorporated by reference.~~

~~(3) Standards for approval of applications:~~

~~(a) Prior to contracting with any lead agency, the Area Agency on Aging administering the program shall assess the applicant's or provider agency's ability to meet lead agency or service provider requirements as contained in Rule 58C-1.005, F.A.C.~~

~~(b) Applications which are properly and completely prepared according to the instructions provided will be approved for contracts subject to the availability of State and local resources in sufficient amounts to assure that cash outlays can be met.~~

~~(c) The contracting agency which funds and administers Community Care for the Elderly shall review all applications and determine which applications are approved for funding. The approved agency must demonstrate sound fiscal management in accordance with generally accepted accounting principles and be capable of providing core services, case management and coordination of services.~~

~~(d) The lead agency and any of its core service providers will provide a minimum of ten percent of the funding necessary to support the program. Cash or in-kind resources may be used to meet this matching requirement.~~

~~(4) Contracting and Financial Management Procedures: Contracts between the department, the Area Agency on Aging, lead agency or core service providers shall follow departmental contracting and financial management procedures.~~

Specific Authority 430.08 FS. Law Implemented 430.204, 430.205 FS. History—New 3-11-81, Formerly 10A-10.04, 10A-10.004, Amended 3-28-95, 10-30-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Crochet

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2008

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NO.: 59G-9.070
RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons

PURPOSE AND EFFECT: The purpose of this amendment is to address issues regarding Rule 59G-9.070, F.A.C., the sanction rule, as raised by the Joint Administrative Procedures

Committee (JAPC) in its review and oversight of Florida's rules and rule making process and administrative issues involving consistency and timeframes for certain sanctions.

SUMMARY: The proposed changes clarify the rule, incorporate JAPC's recommendations, increase fines for consistency in one area and shorten the timeframe within which additional sanctions apply in certain scenarios to encourage compliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907, 409.913, 409.9131, 409.920, 812.035 FS.

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

DATE AND TIME: September 8, 2008, 11:00 a.m. – 12:00 Noon

PLACE: 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jo Landa Givens, Office of the Inspector General/Bureau of Medicaid Program Integrity, 2727 Mahan Drive, Mail Stop 6, Tallahassee, Florida 32308; (850)921-1802

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-9.070 Administrative Sanctions on Providers, Entities, and Persons.

(1) PURPOSE: The purpose of this rule is to provide notice of administrative sanctions and disincentives imposed upon a provider, entity, or person for each violation of any Medicaid-related law. The Agency shall have the authority to deviate from the guidelines for the reasons stated within this rule. Notice of administrative sanctions imposed will be by way of written correspondence and shall constitute Agency action pursuant to Chapter 120, F.S. (2007).

(2) DEFINITIONS: The following terms used within this rule shall have the meanings as set forth below:

(a) "Abuse" is as defined in Section 409.913(1)(a), F.S. (2007).

(b) "Agency" is as defined in Section 409.901(2), F.S. (2007).

(c) "Claim" is as defined in Section 409.901(5), F.S.; (2007) and shall also include the total monthly payment to a provider for a specific recipient's per diem payments and the

payment of a capitation rate for a Medicaid recipient. For the purposes of this rule, “per diem Payments” means the total monthly payment to the provider for a specific recipient.

(d) “Complaint” is as defined in Section 409.913(1)(b), F.S. (2007).

~~(e) An act shall be deemed “Committed”, as it relates to abuse or neglect of a patient, or of any act prohibited by Section 409.920, F.S., upon receipt by the Agency of reliable information of commission of patient abuse or neglect, or of violation of Section 409.920, F.S.~~

~~(e)(f) “Comprehensive follow-up reviews” or “Follow-up reviews” shall have the same meaning throughout this rule, and can be used interchangeably. These reviews mean evaluations of providers every 6 months, until the Agency determines that the reviews are no longer required. Such evaluations will result in a determination regarding whether a further compliance audit or other regulatory action is required.~~

~~(f)(g) “Contemporaneous”, as it relates to a provider’s requirement to maintain records and produce records upon request, means records created at the time the goods or services were provided unless otherwise within the standard and customary timeframe applicable to the provider’s trade or profession; but not longer than any timeframe specified in Medicaid laws or the laws that govern the provider’s profession.~~

~~(g)(h) “Conviction” is as defined in Section 409.901(7), F.S. (2007).~~

~~(h)(i) “Corrective action plan” means the process or plan by which the provider will ensure future compliance with state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement. A corrective action plan will remain in effect until the Agency determines that it is no longer necessary, but no longer than 3 years. For purposes of this rule, the sanction of a corrective action plan shall take the form of an “acknowledgement statement”, “provider education”, a “self audit”, or a “comprehensive quality assurance program”, all of which are further described in subsection (10) of this rule.~~

~~(i)(j) An “erroneous” claim is an application for payment from the Medicaid program or its fiscal agent that contains an inaccuracy.~~

~~(j)(k) “Fine” is a monetary sanction. The amount of a fine shall be as set forth within this rule.~~

~~(k)(l) A “false” claim is as provided for in the Florida False Claims Act set forth in Chapter 68, F.S. (2007).~~

~~(l)(m) “Fraud” is as defined in Section 409.913(1)(c), F.S. (2007).~~

~~(m)(n) “Medical necessity” or “medically necessary” is as defined in Section 409.913(1)(d), F.S. (2007).~~

~~(n)(o) “Medicaid-related record” is as defined in Section 409.901(19), F.S. (2007).~~

~~(o)(p) “Overpayment” is as defined in Section 409.913(1)(e), F.S. (2007).~~

~~(p)(q) “Patient Record” means the file maintained by the provider to document the delivery of goods or services; the file shall be maintained in the standard and customary practice applicable to the provider’s trade or profession; but not in a fashion that is contrary to Medicaid laws or the laws that govern the provider’s profession.~~

~~(q)(r) “Patient Record Request” means a request by the Agency to a provider, entity, or person for Medicaid-related documentation or information. Such requests are not limited to Agency audits to determine overpayments or violations. Each requesting document constitutes a single Patient Record Request. The Agency is not limited to making one Patient Record Request at a time to a provider, entity, or person. Each request shall be considered separate and distinct for purposes of this rule.~~

~~(r)(s) “Pattern” is defined as follows:~~

1. As it relates to paragraph (7)(d) of this rule (generally, failing to maintain Medicaid-related records), a pattern is sufficiently established if within a single Agency action:

- a. There are five or more claims within any one patient record for which documentation is not maintained; or
- b. There is more than one patient for which no patient record is maintained.

2. As it relates to paragraph (7)(e) of this rule (generally, failure to comply with the provisions of Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement), a pattern is sufficiently established if within a single Agency action:

- a. The number of individual claims found to be in violation is greater than 6.25 percent of the total claims that were reviewed to support the Agency action; or
- b. The overpayment determination by the Agency is greater than 6.25 percent of the amount paid for the claims that were reviewed to support the Agency action.

3. As it relates to paragraph (7)(g) of this rule (generally, failing to provide goods or services that are medically necessary), a pattern is sufficiently established if within a single Agency action:

The number of instances found to be in violation is greater than one.

4. As it relates to paragraph (7)(h) of this rule (generally, submitting erroneous claims), a pattern is sufficiently established if within a single Agency action:

- a. The number of individual claims found to be erroneous is greater than 6.25 percent of the total claims that were reviewed to support the Agency action; or
- b. The overpayment determination by the Agency, as a result of the erroneous claims, is greater than 6.25 percent of the amount paid for the total claims that were reviewed to support the Agency action.

~~(s)~~~~(t)~~ “Person” is as defined in Section 409.913(1)(f), F.S. (2007)

~~(t)~~~~(u)~~ “Provider” is as defined in Section 409.901(16), F.S. (2007), and for purposes of this rule, includes all of the provider’s locations that have the same base provider number (with separate locator codes).

~~(u)~~~~(v)~~ “Provider Group” is more than one individual provider practicing under the same tax identification number, enrolled in the Medicaid program as a group for billing purposes, and having one or more locations.

~~(v)~~~~(w)~~ “Sanction” shall be any monetary or non-monetary penalty imposed upon a provider, entity, or person (e.g., a provider, entity, or person being suspended from the Medicaid program). A monetary sanction under this rule may be referred to as a “fine.” A sanction may also be referred to as a disincentive.

~~(w)~~~~(x)~~ “Single Agency action” means an audit or review that results in notice to the provider of violations of Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

~~(x)~~~~(y)~~ “Suspension” is a one-year preclusion from any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

~~(y)~~~~(z)~~ “Termination” is a twenty-year preclusion from any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

~~(z)~~~~(aa)~~ “Violation” means any omission or act performed by a provider, entity, or person that is contrary to Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

1. For purposes of this rule, each day that an ongoing violation continues and each instance of an act or omission contrary to a Medicaid law, a law that governs the provider’s profession, or the Medicaid provider agreement shall be considered a “separate violation”.

2. For purposes of determining first, second, third, fourth, fifth, or subsequent violations of this rule:

a. A violation existed even if the matter is resolved by repayment of an overpayment, settlement agreement, or other means.

b. The same violation means a subsequent determination by the Agency, that the person, provider, or entity is in violation of the same provision of state or federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

(3) VIOLATIONS AND SANCTIONS: The identification of violations given herein is descriptive only. The full language of each statutory provision cited must be consulted in order to determine the conduct included.

(4) FACTORS TO BE USED IN DETERMINING LEVEL OF SANCTION:

(a) Except for the mandatory suspension and termination provision in subsection (6) of this rule, when determining the type, amount, and duration of the sanction to be applied, the Agency shall consider each of the factors set forth in Section 409.913(17), F.S. (2007), as mitigation to the sanction set forth in this rule.

(b) For the first agency action against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed thirty-percent of the amount of the overpayment. Where the fine does exceed thirty-percent of the amount of the overpayment, the fine shall be adjusted to thirty-percent of the amount of the overpayment.

(c) For the second agency action against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed fifty-percent of the amount of the overpayment. Where the fine does exceed fifty-percent of the amount of the overpayment, the fine shall be adjusted to fifty-percent of the amount of the overpayment.

(d) For all subsequent agency actions against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed the amount of the overpayment. Where the fine does exceed the amount of the overpayment, the fine shall be adjusted to the amount of the overpayment.

(e) Sanctions will be imposed ~~only apply~~ at the final agency action.

~~(f) Where the final agency action results in a final overpayment determination that is less than \$5,000, any fine that is to be imposed as a result of the violations giving rise to that overpayment shall be waived.~~

~~1. However, where waiving the fine results in no sanction being imposed, the sanction of a corrective action plan in the form of a provider acknowledgement statement shall be imposed.~~

~~2. Fines that are to be imposed as a result of violations that do not give rise to an overpayment are not waived.~~

~~(f)~~~~(g)~~ Where the Agency has instituted an amnesty program pursuant to Section 409.913(25)(e), F.S. (2007), sanctions will not apply.

(5) APPLICATION TO INDIVIDUALS OR LOCATIONS RATHER THAN TO A PROVIDER GROUP:

(a) Based upon the circumstances present in each individual matter, the Agency shall have the discretion to take action to sanction a particular Medicaid provider, entity, or person working for a Medicaid provider group, or to sanction a specific location, rather than, or in addition to, taking action against an entire Medicaid provider group.

(b) If the Agency chooses to sanction a particular (individual) provider, entity, or person working with a Medicaid provider group or in a particular location, the other members of the Medicaid provider group and the providers in the other locations must fully cooperate in the audit or investigation conducted by the Agency, and the Agency must determine if:

1. The individual provider, entity, or person working with the Medicaid provider group is directly responsible for the violation(s);

2. The Medicaid provider group was unaware of the actions of the individual provider, entity, or person; and

3. The Agency has not previously taken a preliminary or final Agency action against the group provider for the same violation(s) within the past five years from the date of the violation, unless the Agency determines that the individual provider, entity, or person was responsible for the prior violation.

(6) MANDATORY TERMINATION OR SUSPENSION: Whenever a provider has been suspended or terminated from participation in the Medicaid or Medicare program by the federal government or any state ~~or territory~~, the Agency shall immediately suspend (if suspended) or terminate (if terminated), the provider's participation in the Florida Medicaid program for a period no less than that imposed by the federal government or the state ~~or territory~~, and shall not enroll such provider in the Florida Medicaid program while such foreign suspension or termination remains in effect. Additionally, all other remedies provided by law, including all civil remedies, and other sanctions, shall apply. [Section 409.913(14), F.S. (2007)].

(7) SANCTIONS: Except when the Secretary of the Agency determines not to impose a sanction, pursuant to Section 409.913(16)(j), F.S. (2007), sanctions shall be imposed for the following:

(a) The provider's license has not been renewed by the licensing agency in Florida, or has been revoked, suspended, or terminated, by the licensing agency of any state. [Section 409.913(15)(a), F.S. (2007)];

(b) Failure to make available within the timeframe requested by the Agency or other mutually agreed upon timeframe, or to refuse access to Medicaid-related records, ~~sought by any investigator~~. [Section 409.913(15)(b), F.S. (2007)];

(c) Failure to make available or furnish all Medicaid-related records, to be used by the Agency in determining whether Medicaid payments are or were due, and what the appropriate corresponding Medicaid payment amount should be within the timeframe requested by the Agency or other mutually agreed upon timeframe. [Section 409.913(15)(c), F.S. (2007)];

(d) Failure to maintain contemporaneous Medicaid-related records and prior authorization records, if prior authorization is required, that demonstrate both the necessity and appropriateness of the good or service rendered. [Section 409.913(15)(d), F.S. (2007)];

(e) Failure to comply with the provisions of the Medicaid provider publications that have been adopted by reference as rules, Medicaid laws, the requirements and provisions in the provider's Medicaid provider agreement, or the certification found on claim forms or transmittal forms for electronically submitted claims by the provider or authorized representative. [Section 409.913(15)(e), F.S. (2007)];

(f) Furnishing or ordering goods or services that are inappropriate or unnecessary because they are out of compliance with the practice standards governing the provider's profession, are excessive, of inferior quality, or that are found to be harmful to the recipient. [Section 409.913(15)(f), F.S. (2007)];

(g) A pattern of failure to provide goods or services that are medically necessary. [Section 409.913(15)(g), F.S. (2007)];

(h) Submitting, or causing to be submitted, false or a pattern of erroneous Medicaid claims. [Section 409.913(15)(h), F.S. (2007)];

(i) Submitting, or causing to be submitted, a Medicaid provider enrollment application or renewal forms, a request for prior authorization for Medicaid services, a drug exception request, or a Medicaid cost report containing information that is either materially false or materially incorrect. [Section 409.913(15)(i), F.S. (2007)];

(j) Collecting or billing a recipient or a recipient's responsible party for goods or services improperly. [Section 409.913(15)(j), F.S. (2007)];

(k) Including costs in a cost report that are not authorized under the Medicaid state plan or that are authorized but were disallowed during the audit process, even though the provider or authorized representative had previously been advised via an audit exit conference or audit report that the costs were not allowable. However, if the unallowed costs are the subject of an administrative hearing pursuant to Chapter 120, F.S. (2007), sanctions shall not be imposed. Additionally, a provider is only considered to have been previously advised that the costs were not allowable if the provider was advised in writing via an audit exit conference that the cost is not allowed or has been issued an audit report, either of which were provided in the previous five years. [Section 409.913(15)(k), F.S. (2007)];

(l) Being charged, whether by information or indictment, with fraudulent billing practices. [Section 409.913(15)(l), F.S. (2007)];

(m) A finding or determination that a provider, entity, or person is negligent for ordering or prescribing a good or service to a patient, which resulted in the patient's injury or death. [Section 409.913(15)(m), F.S. (2007)];

(n) During a specific audit or review period, failure to demonstrate sufficient quantities of goods, or sufficient time in the case of services, that support the corresponding billings or claims made to the Medicaid program. [Section 409.913(15)(n), F.S. (2007)];

(o) Failure to comply with the notice and reporting requirements of Section 409.907, F.S. (2007) [Section 409.913(15)(o), F.S. (2007)];

(p) A finding or determination that a provider, entity, or person committed patient abuse or neglect, or any act prohibited by Section 409.920, F.S. (2007) [Section 409.913(15)(p), F.S. (2007)];

(q) Failure to comply with any of the terms of a previously agreed-upon repayment schedule. [Section 409.913(15)(q), F.S. (2007)];

(8) ADDITIONAL VIOLATIONS SUBJECT TO TERMINATION: In addition to the termination authority, the Agency shall have the authority to concurrently seek civil remedies or impose other sanctions.

(a) The Agency shall impose the sanction of termination for each violation of:

1. Section 409.913(13)(a), F.S. (2007) (generally, a provider is convicted of a criminal offense related to the delivery of any health care goods or services);

2. Section 409.913(13)(b), F.S. (2007) (generally, a provider is convicted of a criminal offense relating to the practice of the provider's profession); or

3. Section 409.913(13)(c), F.S. (2007) (generally, a provider is found by a court, administrative law judge, hearing officer, administrative or regulatory board, or final agency action to have neglected or physically abused a patient).

(b) For non-payment or partial payment where monies are owed to the Agency, and failure to enter into a repayment agreement, in accordance with Section 409.913(25)(c), F.S. (2007) (generally, a provider who has a debt to the Agency, who has not made full payment, and who fails to enter into a repayment schedule), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 90 ~~180~~ days, termination.

(c) For failure to reimburse an overpayment, in accordance with Section 409.913(30), F.S. (2007) (generally, a provider that fails to repay an overpayment or enter into a repayment agreement within 35 days after the date of a final order), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 90 ~~180~~ days, termination.

(9) REPORTING SANCTIONS: The Agency shall report sanctions in accordance with Section 409.913(24), F.S. (2007)

(10) GUIDELINES FOR SANCTIONS.

(a) The Agency's authority to impose sanctions on a provider, entity, or person shall be in addition to the Agency's authority to recover a determined overpayment, other remedies afforded to the Agency by law, appropriate referrals to other agencies, and any other regulatory actions against the provider.

(b) In all instances of violations that are subject to this rule, the Agency shall have the authority to impose liens against provider assets, including, but not limited to, financial assets and real property, not to exceed the amount of fines or recoveries sought, including fees and costs, upon entry of an order determining that such moneys are due or recoverable.

(c) A violation is considered a:

1. First Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has not been deemed by the Agency in a prior Agency action to have committed the same violation;

2. Second Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has once been deemed by the Agency in a prior Agency action to have committed the same violation.

3. Third Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has twice been deemed by the Agency in prior Agency actions to have committed the same violation.

4. Fourth Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has three times been deemed by the Agency in prior Agency actions to have committed the same violation.

5. Fifth Violation – If, within the five years prior to the alleged violations date(s), the provider, entity, or person has four times been deemed by the Agency in prior Agency actions to have committed the same violation.

6. Subsequent Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has, five or more times, been deemed by the Agency in prior Agency actions to have committed the same violation.

(d) Multiple violations shall result in an increase in sanctions such that:

1. In the event the Agency determines in a single Agency action that a provider, entity, or person has committed violations of more than one provision section of this rule, the Agency shall cumulatively apply the sanction guideline associated with each section violated.

2. In the event the Agency determines in a single action that a provider, entity, or person has committed multiple violations of one provision section of this rule, unless the table in paragraph (10)(i) specifies otherwise, the Agency shall cumulatively apply the applicable sanctions for each separate violation of the provision section. However, the Agency shall not apply multiple violations to increase the level of violation (e.g., from First Violation to Second Violation).

(e) For purposes of this rule, as used in the table below, a "corrective action plan" shall be a written document, submitted to the Agency, and shall either be an "acknowledgement

statement”, “provider education”, “self audit”, or a “comprehensive quality assurance program”. The Agency will specify the type of corrective action plan required. For purposes of determining timeliness with regard to corrective action plan requirements, days are counted in terms of calendar days.

1. An “acknowledgement statement” shall be a typed document submitted within 15 days of the date of the Agency action that brought rise to this requirement. The document will acknowledge a requirement to adhere to the specific state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement that are the subject of the Agency action. The Agency will confirm receipt of the statement and either accept or deny it as complying with this rule. If the acknowledgement statement is not acceptable to the Agency, the provider, entity, or person will be advised regarding the deficiencies. The provider will have 10 days to amend the statement.

2. “Provider Education” shall be successful completion of an educational course or courses that address the areas of non-compliance as determined by the Agency in the Agency action.

a. The provider, entity, or person will identify one or more individuals who are the Medicaid policy compliance individuals for the provider, and must include treating providers involved with the areas of non-compliance as well as billing staff, who must successfully complete the required education.

b. The provider will, within 30 days of the date of the Agency action that brought rise to this requirement, submit for approval the name of the course, contact information, and a brief description of the course intended to meet this requirement.

c. The Agency will confirm receipt of the course information and either accept or deny it as complying with this rule. If the course is denied by the Agency, the provider, entity, or person will be advised regarding the reasons for denial. The provider will have 10 days to submit additional course information.

d. Proof of successful completion of the provider education must be submitted to the Agency within 90 days of the date of the Agency action that brought rise to this requirement.

3. A “self-audit” is an audit of the provider’s claims to Medicaid for a specified period of time (the audit period) performed by the provider.

a. A self-audit is a detailed and comprehensive evaluation of the provider’s claims to Medicaid. The audit may be focused on particular issues or all state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement. The Agency will specify the audit period as well as issues to be addressed. A summary of the audit work plan, including the audit methodology, must be submitted to

the Agency within 30 days of the date of the Agency action that brought rise to this requirement. The self-audit must be completed within 90 days of the date of the Agency action that brought rise to this requirement, or such other timeframe as mutually agreed upon by the Agency and the provider. The self-disclosure of violations will not result in additional sanctions imposed pursuant to this rule.

b. The provider is required to submit a detailed listing of paid claims found to be out of compliance with the specified state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement. The listing shall include the recipient name, recipient Medicaid ID number, date of service, type of service (e.g., procedure code and procedure name), treating provider, pay-to provider, date the claim was paid, tracking ~~transaction control~~ number (TCN) for the claim as issued by Medicaid’s fiscal agent, description of non-compliance, and any other information that would allow the Agency to verify the claim(s). The provider is also required to submit a detailed description regarding the audit methodology and overpayment calculation. The Agency will evaluate the self-audit and determine whether it is a valid evaluation of the provider’s claims.

c. If the self-audit is accepted by the Agency, the provider shall be deemed to have been overpaid by the determined amount, and shall be required to repay that amount in full, or enter in and adhere to a repayment plan with the Agency, within 30 days of the date of the acceptance of the self-audit.

d. If the self-audit is not accepted, the provider will be advised regarding the reasons for denial. The provider will have 30 days to submit additional information to correct the deficiencies.

4. A “comprehensive quality assurance program” shall monitor the efforts of the provider, entity, or person in their internal efforts to comply with state and federal Medicaid laws, the laws that govern the provider’s profession, and the Medicaid provider agreement.

a. The program shall contain at a minimum the following elements: identification of the physical location where the provider, entity, or person takes any action that may cause a claim to Medicaid to be submitted; contact information regarding the individual or individuals who are responsible for development, maintenance, implementation, and evaluation of the program; a separate process flow diagram that includes a step-by-step written description or flow chart indicating how the program will be developed, maintained, implemented, and evaluated; a complete description and relevant time frames of the process for internally maintaining the program, including a description of how technology, education, and staffing issues will be addressed; a complete description and relevant timeframes of the process for implementing the program; and a complete description of the process for monitoring, evaluating, and improving the program.

b. A process flow diagram regarding the development of the program must be submitted to the Agency within 30 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency. A process flow diagram regarding the maintenance, implementation, and evaluation of the program must be submitted to the Agency within 90 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency.

c. The evaluation process must contain processes for conducting internal compliance audits, which include reporting of the audit findings to specific individuals who have the authority to address the deficiencies, and must include continuous improvement processes. The plan must also include the frequency and duration of such evaluations.

d. The Agency will review the process flow diagram and description of the development of the program and either approve the program or disapprove the program. If the Agency disapproves the program, specific reasons for the disapproval will be included, and the provider, entity, or individual shall have 30 days to submit an amended development plan.

e. Upon approval by the Agency of the development process of the program, the provider, entity, or person shall have 45 days to implement the program. The provider shall provide written notice to the Agency indicating that the program has been implemented.

f. The program must remain in effect for the time period specified in the Agency action and the provider must submit written progress reports to the Agency every 120 days, for the duration of the program.

5. Failure to ~~timely~~ comply with any of the timeframes set forth by the Agency, or to adhere to the corrective action plan in accordance with this ~~paragraph section~~, shall constitute a failure to comply with the provisions of state laws. As such, further sanctions in accordance with this rule are applicable. result in a \$1000 fine per day of non-compliance. If a provider remains out of compliance for 30 days, the provider shall also

~~be suspended from the Medicaid program until the provider is in compliance. If a provider remains out of compliance for 180 days, the provider shall be terminated from the Medicaid program.~~

(f) The Agency's decision to discontinue follow-up reviews does not preclude future audits of any dates of service or issues, and shall not be used by the provider in any action should the Agency later determine overpayments existed.

(g) For purposes of this rule, as used in the table below, a "suspension" shall preclude participation in the Medicaid program for one year from the date of the Agency action. A provider that is suspended shall not resume participation in the Medicaid program until the completion of the one-year term. To resume participation, the provider must submit a written request to the Agency, Bureau of Medicaid Program Integrity, to be reinstated in the Medicaid program. The request must include a copy of the notice of suspension issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the suspension has been remedied. The provider may not resume participation in the Medicaid program until they receive written confirmation from the Agency indicating that participation in the Medicaid program has been authorized.

(h) For purposes of this rule, as used in the table below, a "termination" shall preclude participation in the Medicaid program for twenty years from the date of the Agency action. A provider who is terminated shall not resume participation in the Medicaid program until the completion of the twenty-year term. To resume participation, the provider must submit a complete and accurate provider enrollment application, which will be accepted or denied in the standard course of business by the Agency. In addition to the application, the provider must include a copy of the notice of termination issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the termination has been remedied.

(i) Sanctions and disincentives shall apply in accordance with this rule, as set forth in the table below:

Violation Type/ Provision Section of Rule	First violation	Second violation	Third violation	Fourth violation	Fifth and Subsequent violations
(7)(a) The provider's Florida license has not been renewed by the licensing agency; or the license from any state has been revoked, suspended, or terminated, by the licensing agency of any state. [Section 409.913(15)(a), F.S. (2007)];	For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed one year and for all other violations: termination.	For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed one year and for all other violations: termination.	Termination.	Termination.	Termination.
(7)(b) Failure, upon demand, to make available or refuse access to, Medicaid-related records. [Section 409.913(15)(b), F.S. (2007)];	A \$1,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 90 180 days, the provider is still in violation, termination.	A \$2,500 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 90 180 days, the provider is still in violation, termination.
(7)(c) Failure to furnish Medicaid-related records to determine whether payments are or were due, within timeframes established by the Agency. [Section 409.913(15)(c), F.S. (2007)];	A \$1,000 \$500 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 90 180 days, the provider is still in violation, termination.	A \$2,500 \$1,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 \$2,500 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 90 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 90 180 days, the provider is still in violation, termination.

<p>(7)(d) Failure to maintain contemporaneous Medicaid-related records. [Section 409.913(15)(d), F.S. (2007)];</p>	<p>A \$100 fine per claim for which supporting documentation is not maintained, not to exceed \$3,000 <u>\$1,500</u> per agency action. For a pattern: a \$1,000 fine per patient record for which any of the supporting documentation is not maintained, not to exceed \$6,000 <u>\$3,000</u> per agency action; and submission of a corrective action plan in the form of an acknowledgement statement.</p>	<p>A \$200 fine per claim for which supporting documentation is not maintained, not to exceed \$6,000 <u>\$3,000</u> per agency action. For a pattern: a \$2,000 fine per patient record for which any of the supporting documentation is not maintained, not to exceed \$12,000 <u>\$6,000</u> per agency action; and submission of a corrective action plan in the form of provider education.</p>	<p>A \$300 fine per claim for which supporting documentation is not maintained, not to exceed \$9,000 <u>\$4,500</u> per agency action and suspension. For a pattern: a \$3,000 fine per patient record for which any of the supporting documentation is not maintained, not to exceed \$18,000 <u>\$9,000</u> per agency action; submission of a corrective action plan in the form of a comprehensive quality assurance program; and suspension.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(e) Failure to comply with the provisions of Medicaid laws. publications that have been adopted by reference as rules. [Section 409.913(15)(e), F.S. (2007)];</p>	<p>A \$500 fine per provision, not to exceed \$3,000 <u>\$1,500</u> per agency action. For a pattern: a \$1,000 fine per provision, not to exceed \$6,000 <u>\$3,000</u> per agency action; and submission of a corrective action plan in the form of an acknowledgement statement.</p>	<p>A \$1,000 fine per provision, not to exceed \$6,000 <u>\$3,000</u> per agency action. For a pattern: a \$2,000 fine per provision, not to exceed \$12,000 <u>\$6,000</u> per agency action; and submission of a corrective action plan in the form of provider education.</p>	<p>A \$2,000 fine per provision, not to exceed \$12,000 <u>\$6,000</u> per agency action; and submission of a corrective action plan in the form of an acknowledgement statement. For a pattern: a \$3,000 fine per provision, not to exceed \$18,000 <u>\$9,000</u> per agency action; and submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>A \$3,000 fine per provision, not to exceed \$24,000 <u>\$12,000</u> per agency action; and submission of a corrective action plan in the form of provider education. For a pattern: a \$4,000 fine per provision, not to exceed \$32,000 <u>\$16,000</u> per agency action; and suspension.</p>	<p>A \$5,000 fine per provision, not to exceed \$40,000 <u>\$20,000</u> per agency action; and suspension. For a pattern: termination.</p>

<p>(7)(f) Furnishing or ordering goods or services that are inappropriate, unnecessary or excessive, of inferior quality, or that are harmful. [Section 409.913(15)(f), F.S. (2007)];</p>	<p>For harmful goods or services: a \$5,000 fine for each instance, and suspension. For all others: a \$1,000 fine for each instance and submission of a corrective action plan in the form of provider education.</p>	<p>For harmful goods or services: a \$5,000 fine for each instance, and termination. For all others: a \$2,000 fine for each instance and submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>For harmful goods or services: a \$5,000 fine for each instance, and termination. For all others: a \$3,000 fine for each instance and suspension.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(g) A pattern of failure to provide goods or services that are medically necessary. [Section 409.913(15)(g), F.S. (2007)];</p>	<p>A \$5,000 fine and submission of a corrective action plan in the form of provider education.</p>	<p>A \$5,000 fine for each instance; and suspension as well as the submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>A \$5,000 fine for each instance; and suspension as well as the submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(h) Submitting false or a pattern of erroneous Medicaid claims. [Section 409.913(15)(h), F.S. (2007)];</p>	<p>For false claims: Termination. For a pattern of erroneous claims: a \$2,500 fine and submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>For false claims: Termination. For a pattern of erroneous claims: A \$5,000 fine and suspension; and upon the conclusion of the suspension, submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>Termination.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(i) Submitting certain documents containing information that is either materially false or materially incorrect. [Section 409.913(15)(i), F.S. (2007)];</p>	<p>A \$10,000 fine for each separate violation and suspension.</p>	<p>Termination.</p>	<p>Termination.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(j) Collecting or billing a recipient improperly. [Section 409.913(15)(j), F.S. (2007)];</p>	<p>A \$1,000 fine for each instance.</p>	<p>A \$2,500 fine for each instance.</p>	<p>A \$5,000 fine for each instance and suspension.</p>	<p>A \$5,000 fine for each instance and suspension.</p>	<p>Termination.</p>

(7)(k) Including unallowable costs after having been advised. [Section 409.913(15)(k), F.S. (2007)];	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.
(7)(l) Being charged with fraudulent billing practices. [Section 409.913(15)(l), F.S. (2007)];	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.
(7)(m) Negligently ordering or prescribing, which resulted in the patient's injury or death. [Section 409.913(15)(m), F.S. (2007)];	Termination.	Termination.	Termination.	Termination.	Termination.
(7)(n) Failure to demonstrate sufficient quantities of goods or sufficient time. to support the corresponding billings or claims made to the Medicaid program.	A \$5,000 fine.	A \$5,000 fine and submission of a corrective action plan in the form of a comprehensive quality assurance program.	A \$5,000 fine and suspension.	Termination.	Termination.
(7)(o) Failure to comply with the notice and reporting requirements of Section 409.907, F.S. (2007) [Section 409.913(15)(o), F.S. (2007)];	A \$1,000 fine.	A \$2,000 fine.	A \$3,000 fine.	A \$4,000 fine.	A \$5,000 fine.
(7)(p) Committing patient abuse or neglect, or any act prohibited by Section 409.920, F.S. (2007) [Section 409.913 (15)(p), F.S. (2007)];	A \$5,000 fine per instance, and suspension.	Termination.	Termination.	Termination.	Termination.
(7)(q) Failure to comply with an agreed-upon repayment schedule. [Section 409.913(15)(q), F.S. (2007)];	A \$1,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than <u>90</u> 180 days, termination.	A \$2,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than <u>90</u> 180 days, termination.	A \$3,000 fine and suspension until in compliance; where the provider remains out of compliance for more than <u>90</u> 180 days, termination.	A \$4,000 fine and suspension until in compliance; where the provider remains out of compliance for more than <u>90</u> 180 days, termination.	A \$5,000 fine and suspension until in compliance; where the provider remains out of compliance for more than <u>90</u> 180 days, termination.

Specific Authority 409.919 FS. Law Implemented 409.907, 409.913, 409.9131, 409.920, 812.035 FS. History--New 4-19-05, Amended 4-26-06,_____.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

NAME OF PERSON ORIGINATING PROPOSED RULE: Jo Landa Givens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-12.009 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete any unnecessary language and to add language to clarify fees as prescribed by the Board.

SUMMARY: The rule amendment will delete any unnecessary language and to add language to clarify fees as prescribed by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(6), (8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 455.213(2), 455.217(2), 455.219(1), 455.271(6), (7), (8), 489.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.009 Fees.

The following fees are prescribed by the Board:

(1) Application for Certification by Examination; Refund.

(a) The application and examination fee for an applicant for certification shall be three hundred thirty-five dollars (\$335) and shall be nonrefundable. Said fee shall cover both the processing of the application for certification and the administration of the examination. The applicant will pay one hundred thirty-five dollars (\$135) directly to the Department, or the Department's examination development vendor upon scheduling of the tests that comprise the examination. The applicant will pay the Department, or the Department's assigned vendor, eighty dollars (\$80) to cover examination administration costs for each test administered. The applicant will pay the Department forty two hundred dollars (\$40) (\$200) to cover examination administration and for processing of the application after they have successfully passed the examination. The contract administration and project management tests are considered one test for fee assessment pursuant to this rule.

(b) For an unsuccessful examinee or approved applicant who failed to appear at the examination, the fee for the next subsequent test, or both tests if necessary, examination shall be one hundred thirty-five dollars (\$135) and paid directly to the Department, or the Department's examination development vendor upon scheduling of the test(s) examination. Eighty dollars (\$80) shall be paid to the Department, or the Department's assigned vendor, for examination administration upon scheduling of each test to be administered. ~~The fees one hundred thirty-five dollar (\$135) fee shall be nonrefundable.~~

(2 through (14) No change.

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(6), (8), 489.108, 489.118 FS. Law Implemented 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(6), (7), (8), 489.109 FS. History—New 10-1-79, Formerly 21E-12.01, Amended 1-6-80, 12-16-80, 3-15-81, 5-31-81, 11-14-82, 4-3-84, Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89, 5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly 21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98, 2-10-00, 2-6-03, 2-27-05, 11-8-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.001 RULE TITLE: Qualification for Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment to address experience verification for certification.

SUMMARY: The rule amendment will address experience verification for certification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1)(a) No change.

(b) Applicants shall follow the guidelines set forth in this section when seeking to verify active experience in accordance with paragraph 61G4-15.001(1)(a), F.A.C.

If the applicant's category is: The following licensees can verify the applicant's active experience:

1. General	General contractor
2. Building	General and/or Building contractor
3. Residential	General, Building and/or Residential contractor
4. Plumbing	General, Building, Residential, Plumbing and/or Underground Utility and Excavation contractor
5. Roofing	General, Building, Residential and/or Roofing contractor
6. Class A Air-Conditioning Contractor	General, Building, Residential, Class A air-conditioning contractor and/or Mechanical contractor
7. Class B Air-Conditioning Contractor	General, Building, Residential, Class A air-conditioning, Class B air-conditioning and/or Mechanical contractor
8. Commercial Pool/Spa Contractor	General, Building, Residential, Commercial Pool/Spa contractor
9. Residential Pool/Spa Contractor	General, Building, Residential, Commercial Pool/Spa and/or Residential Pool/Spa contractor
10. Swimming Pool/Spa Servicing Contractor	General, Building, Residential, Commercial Pool/Spa, Residential Pool/Spa and/or Swimming Pool/Spa Servicing contractor
11. Mechanical Contractor	General, Building, Residential, Mechanical Class A air-conditioning and/or Class B air-conditioning contractor
12. Sheet Metal Contractor	General, Building, Residential, Sheet metal, Class A air-conditioning, Class B air-conditioning and/or Mechanical contractor
13. Specialty Structure Contractor	General, Building, Residential and/or Specialty structure contractor
14. Solar Contractor	General, Building, Residential, Solar, Commercial Pool/Spa and/or Residential Pool/Spa contractor
15. Underground Utility and Excavation Contractor	General, Building, Residential, Underground utility and excavation, and/or Plumbing contractor
16. Residential Solar Water Heating Contractor	General, Building, Residential, Residential Solar Water Heating, Plumbing, and/or Mechanical contractor
17. Gypsum Drywall Contractor	General, Building, Residential and/or Gypsum Drywall contractor
18. Gas Line Specialty Contractor	General, Building, Residential, Gas Line Specialty, Underground utility and/or Plumbing contractor
19. Glass and Glazing Specialty Contractor	General, Building, Residential and/or Glass and Glazing contractor
20. Marine Specialty Contractor	General, Building, Residential and/or Marine Specialty contractor.

(c) No change.

(2) through (5) No change.

Specific Authority 489.11 FS. Law Implemented 489.111 FS. History--New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04, 1-15-07, 6-19-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
 RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to address the definition of services as related to sanitary sewer collections systems, main water distribution systems, storm collection systems, and utility lines.

SUMMARY: The rule amendment will address the definition of services as related to sanitary sewer collections systems, main water distribution systems, storm collection systems, and utility lines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.113(3), 489.115(6), 489.119(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) Each person who is certified or registered by the Board must, as a condition of each renewal of the certificate or registration, obtain at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the Board. Of the required 14 hours of continuing education, up to four (4) hours of credit may be earned by attending a meeting of the Board wherein disciplinary cases are considered. The first complete hour of attendance will satisfy the requirement for continuing education in laws and rules regulating the construction industry, pursuant to paragraph (2)(e), below. At least seven (7) days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with Board staff prior to the beginning of the disciplinary proceedings. The licensee must sign in and out at breaks and at lunchtime. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. The licensee must submit documentation of such participation to the Department within five (5) days of the date of issuance of the certificate of attendance. A maximum of four (4) hours will be allowed during a renewal cycle. Credit hours shall be awarded on an hour for hour basis up to a maximum of four hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

(2) All registered contractors and certified contractors are required to complete fourteen (14) hours of continuing education each renewal cycle. Of the fourteen (14) hours, one (1) hour shall be required in each of the following topics:

(a) through (e) No change.

(f) Wind mitigation methodologies, if license is held in the following category: General, Building, Residential, Roofing, Speciality Structure, or Glass and Glazing.

The remaining ~~seven~~ hours may include any of the aforementioned subject matter or general topics as defined hereinafter.

(3) through (12) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115., 489.116 FS. History--New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, 9-1-05, 9-27-06, 9-1-07, 11-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001 RULE TITLE: Specialty Electrical Contractors

PURPOSE AND EFFECT: The purpose and effect is to update the scope of practice of limited energy systems specialty contractors.

SUMMARY: The scope of practice of limited energy systems specialty contractors is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 489.507(3), 489.510, 489.515 FS.

LAW IMPLEMENTED: 489.507(3), 489.510, 489.515, 489.517(5), 489.537 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, F.S., and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 ~~77~~ volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television,

cable television, or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.

- (a) through (b) No change.
- (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History--New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03, 9-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2008

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 HEALTH
Board of Nursing

RULE NO.: 64B9-7.001
RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose and effect is to add a fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal, to add a delinquency fee, to adjust the fees in several application and licensing categories and to update existing language.

SUMMARY: A fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal and a delinquency fee are added, the fees in several application and licensing categories are adjusted and existing language is updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board determined that the proposed rule will not have an impact on small business. No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) For application to sit for the examination as provided in Section 464.008, F.S.:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ ~~\$23~~ is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(b) No change.

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

For registered nurse and licensed practical nurse ninety dollars (\$90.00) of which ~~\$47~~ ~~\$23~~ is specifically earmarked to pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

(3) through (4) No change.

(5) For application for CNS certification as provided in Section 464.0115, F.S., seventy five dollars (\$75.00).

~~(6)(5)~~ For ARNP registration as a dispensing practitioner pursuant to Section 465.0276, one hundred dollars (\$ 100.00).

~~(7)(6)~~ For renewal of RN or LPN license as provided in Section 464.013, F.S., eighty dollars (\$ 80.00).

~~(8)(7)~~ For renewal of a dual RN/ARNP license certificate, one hundred thirty dollars (\$130.00).

(9) For renewal of a dual RN/CNS license certificate, one hundred fifty five dollars (\$155.00).

~~(10)(8)~~ The Department shall collect a five dollar (\$5.00) fee upon initial licensure or renewal of all LPNs, RNs, and dual RN/ARNP licenses for the Student Loan Trust Fund.

~~(11)(9)~~ For application to change from active to inactive status as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(12)(10)~~ For renewal of an inactive license as provided in Section 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(13)(11)~~ For reactivation or change of status of an inactive or delinquent license, as provided in Sections 456.036(8) and 464.014, F.S.:

(a) through (b) No change.

(c) For dual RN/ARNP or RN/CNS license certificate seventy-five dollars (\$75.00).

~~(14)(12)~~ A delinquent status licensee shall pay a delinquency fee of fifty-five dollars (\$55.00) when the licensee applies for inactive status or for reactivation.

~~(15)(13)~~ The inactive status biennial renewal fee shall be fifty-five dollars (\$55.00).

~~(16)(14)~~ The continuing education provider application and renewal fees shall each be two hundred fifty dollars (\$250.00).

~~(17)(15)~~ The application fee for approval of a nursing program shall be one thousand dollars (\$1,000.00).

~~(18)(16)~~ The biennial renewal fee for certified nursing assistant shall be fifty ~~twenty~~ dollars (\$50) ~~for licensees renewing for two years and eighty dollars (\$80) for licensees renewing for three years, (\$20)~~ as provided in Section 464.203, F.S. The delinquency fee shall be twenty five dollars (\$25).

~~(19)(17)~~ The initial retired status license fee shall be fifty dollars (\$50.00).

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 210-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 210-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003
 RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate the Nongame Wildlife, Fish and Wildlife Research Institute, and the Florida State Wildlife grants programs' application forms by reference

for consistency with Chapter 120, F.S. Additionally, we plan on adding the Derelict Vessel Removal Grant Program rule language in full to move it from the current location in Rule 68D-16.029 to Rule 68-1.003, F.A.C., for consistency and ease of location, and subsequently repealing the language in Rule 68D-16.029, F.A.C. Finally, we will be amending the State Wildlife Grant program guidelines that are incorporated by reference. The amendment will update the date of the guidelines referenced in the rule from March 2007 to September 2008.

SUMMARY: The application and budget forms are being incorporated pursuant to new requirements of Chapter 120, FS. The Derelict Vessel Grant Program rule is being moved to this rule to provide consistency with other Commission grant programs. The State Wildlife Grant program guidelines are being changed to reflect the Program's progress and development within the agency. These changes include eliminating the preliminary review option for grant applications, clarifying (but not changing) the partial prohibition of indirect costs used as matching funds to allow them not to exceed more than 15% of the salary request per fiscal year, adding statements relating to unemployment/workers compensation, and clarifying our metadata requirements. Also included in the changes is a provision directing grantees to plan a project timeframe to allow for completion of the draft and final reports without requiring an amendment for additional time, as such could be considered a late deliverable when reviewing future applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.; 376.15, 379.106 FS.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.; 376.15, 379.106, 823.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Florida's State Wildlife Grants Program: Brian Branciforte, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399, telephone (850)488-3831, email: brian.branciforte@myfwc.com. Derelict Vessel Removal Grant Program: Tim Woody, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399, telephone (850)410-0656, ext. 17173, email tim.woody@myfwc.com. Additionally, a copy of the proposed guideline language can be obtained by contacting Brian Branciforte

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.003 Florida Fish and Wildlife Conservation Commission Grants Program.

(1) through (4) No change.

(5) Nongame Wildlife Grants Program grants shall meet all additional program requirements set forth in the Florida Nongame Wildlife Grants Program Guidelines (dated March 2007), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/NWGP-1, entitled "Florida Nongame Wildlife Grants Program Budget Form," June 2008 FWC/NWGP-2, entitled "Florida Nongame Wildlife Grants Program Application Form," June 2008. The guidelines and forms are available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(6) No change.

(7) Derelict Vessel Removal Grant Program grants shall meet all requirements set forth in this section of Rule 68D-16.029, F.A.C.

(a) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement (Division) shall award said grants to local governments based on these criteria.

1. The degree to which the designated derelict vessels pose a threat to public health or safety, the environment, navigation or the aesthetic condition of the general vicinity within the jurisdiction of the grant applicant.

2. The total number of derelict vessels within the jurisdiction of the grant applicant.

3. The degree to which the designated derelict vessels will be used in the construction of permitted artificial reef sites.

4. The projected cost effectiveness of the grant applicant's proposed derelict vessel removal program.

5. The degree of commitment of the grant applicant to maintain coastal waters free of derelict vessels and its record for seeking legal action against those owners who abandon vessels in the waters of the state.

6. The timeliness and completeness of the grant application received from the applicant.

(b) Only derelict vessels as defined in Section 823.11(1), F.S. shall be eligible for removal with grant funds. Derelict vessels must be designated and marked by a law enforcement officer as specified in Section 327.70, F.S. Such designation and marking shall be considered made when the law enforcement officer completes form number FWCDLE 048, Derelict or Abandoned Vessel Report, dated March 2008, incorporated herein by reference. This form may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement.

(c) Authorized disposal sites for derelict vessels shall be limited to permitted artificial reef sites and permitted landfill locations. Any exceptions must be approved in writing by the Division.

(d) In the event monies are appropriated by the Legislature for the funding of the Derelict Vessel Removal Grant Program for a given fiscal year, the Division shall announce the availability of funding in the Florida Administrative Weekly and on the Web site at <http://myfwc.com/boating/grants/derelict.htm>. A grant applicant shall provide a completed grant application to the Division no more than 60 days from the date the announcement is published. This application shall be submitted on the form FWC/DV-APP (July 2008), entitled "Application for Derelict Vessel Removal Grant," July 2008, incorporated herein by reference, and may be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 S. Meridian Street, 1M, Tallahassee, Florida 32399-1600. No other form will be accepted.

(e) The Division shall within 30 days after the established submission closing date make the award of said grants pursuant to the criteria set forth in subsection (1) above. Said grants shall be awarded for the removal and disposal of all or part of the vessels designated on a given grant application. In the event the dollar amount of the awarded grant applications is less than the allocated funds or the Division determines that any or all of the submitted applications do not adequately meet the established award criteria, or any of the designated derelict vessels contained within an awarded grant are removed prior to their removal with grants funds, the Division shall solicit additional applications from potential applicants for the balance of the allocated funds not expended pursuant to the grant program.

(f) A grant recipient shall administer the removal and disposal of designated derelict vessels as an independent governmental authority and not as an agent or representative of the Commission. In the event the Division determines that a derelict vessel(s) included in a grant constitutes an immediate hazard to navigation or determines after consultation with the Department of Health that a vessel constitutes an immediate hazard to the public's health and safety, the Division may suspend the grant procedures set forth in this rule and initiate emergency procedures under Section 823.11, F.S.

(g) No grant monies for the removal and disposal of a given derelict vessel shall be paid to the grant recipient until said vessel has been legally removed and such removal and disposal properly documented by the grant recipient. The grant recipient shall submit documentation for the removal and disposal of derelict vessels along with a request for reimbursement to the Division on a monthly basis. Only costs directly associated with the actual removal and disposal of a designated derelict vessel(s) including the removal of pollutants are eligible for reimbursement from the grant program.

(h) All grants made pursuant to this subsection shall be subject to pre-audit and post-audit by the Commission or its representative.

(8) through (9) No change.

(10) Fish and Wildlife Research Institute Grants Program grants shall meet all additional program requirements set forth in the Fish and Wildlife Research Grants Program Guidelines (dated March 2007), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/FWRIGP-1, entitled "Florida Fish and Wildlife Research Institute Grants Program Budget Form," June 2008 and FWC/FWRIGP-2, entitled "Florida Fish and Wildlife Research Institute Grants Program Application Form," June 2008. The guidelines and forms are available from the Commission at the Fish and Wildlife Research Institute, 100 Eighth Avenue S.E., Saint Petersburg, Florida 33701-5020.

(11) Florida's State Wildlife Grants Program grants shall meet all additional program requirements set forth in Florida's State Wildlife Grants Program Guidelines (dated ~~September 2008~~ ~~March 2007~~), which are hereby incorporated by reference. The following forms are hereby adopted and incorporated by reference: FWC/SWG-1, entitled "Florida State Wildlife Grants Program Budget Form," June 2008 and FWC/SWG-2, entitled "Florida State Wildlife Grants Program Application Form," June 2008. The guidelines and forms are available from the Commission at 620 South Meridian Street, Tallahassee, Florida 32399-1600.

(12) Boating Infrastructure Grant Program grants shall meet all additional requirements set forth in the Boating Infrastructure Grant Program Guidelines (dated Jan. 2008), which are hereby incorporated by reference. The following form is hereby adopted and incorporated by reference: FWC/BIGP-APP, Boating Infrastructure Grant Program Grant Application, 07/08. The guidelines and form are available from the Commission at 620 S. Meridian St., 1M, Tallahassee, Florida 32399-1600 or www.myfwc.com/boating/grants/bigp.htm.

Specific Authority 206.606, 327.04, 327.47, 370.023, 376.15 FS. Law Implemented 206.606, 327.47, 328.72, 370.023, 376.15, 823.11 FS. History—New 4-4-04, Amended 3-15-05, Formerly 68A-2.015, Amended 5-22-07, 7-6-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Harrell, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, FL 32399, telephone (850)410-0656, Ext. 17122, email: patricia.harrell@myfwc.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission sitting as agency head

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.009
 RULE TITLE: Delegations of Authority to the Executive Director

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise then Commission's existing Delegations of Authority rule which delegates authority from the Commission to the Executive Director.

SUMMARY: The proposed rule amendment will revise the delegation rule and the delegations incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission's regular meeting, September 17-19, 2008. 8:30 a.m. – 5:00 p.m. each day

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, 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: The ADA Coordinator, at (850)488-6411. 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 IS: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.009 Delegations of Authority to the Executive Director.

The Delegation of Authority ~~Resolution~~ adopted by the Fish and Wildlife Conservation Commission (FWC) on September 17, 2008 ~~April 14, 2005~~ is incorporated herein by reference. The incorporation of this delegation resolution into rule does not preclude or prohibit the Commission from granting delegating additional delegations of authority to its Executive Director from time-to-time as may be necessary to assure orderly administration of the agency. Any actions to be taken, or decisions to be made, by the Commission pursuant to any

rule of the agency may be exercised by the Executive Director or his or her designee unless such actions or decisions are expressly reserved by the Commission in the rule or are specifically required by law to be made by the Commission in an area not involving the Commission's constitutional authority.

Specific Authority Article IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 1-8-08, Amended _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: James V. Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 4, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.004
 RULE TITLE: Amnesty for Persons Relinquishing Non-native Pets

PURPOSE AND EFFECT: The proposed rule establishes an amnesty program for the adoption of nonnative animals to help prevent illegal release of non-native fish and wildlife.

SUMMARY: The rule establishes the formation of an amnesty program for unwanted nonnative pets and allows certified adopters to receive non-native fish and wildlife from unpermitted persons without penalty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, September 17-19, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: 1039 Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, FL 32202

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: The ADA Coordinator, at (850)488-6411. 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 IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68-5.004 Amnesty for Persons Relinquishing Non-native Pets.

It is the policy of the Fish and Wildlife Conservation Commission to encourage persons possessing unwanted non-native fish or wildlife as pets to relinquish such pets to qualified adopters as an alternative to releasing them into Florida's environment. In furtherance of this policy, the Commission will sponsor amnesty events for such purpose.

(1) Persons adopting nonnative species through an FWC sponsored amnesty event may accept nonnative fish or wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(2) State and county wildlife control agencies may accept non-native fish and wildlife from persons who have not obtained a permit from the Commission for possession of such fish or wildlife.

(3) Any person relinquishing or adopting non-native fish or wildlife pursuant to this rule is hereby deemed not to be in violation of the permit requirement of subsection 68A-6.0021(2), F.A.C.

Specific Authority Article IV, Section 9, Florida Constitution. Law Implemented Article IV, Section 9, Florida Constitution. History--New _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy A. Breault, Director, Division of Habitat and Species Conservation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

PURPOSE AND EFFECT: The purpose of the proposed rule is to define “permanent blind.” The effect would be that hunters would understand the proposed changes to Rule 68A-12.002, F.A.C., which would prohibit waterfowl hunting from or within 30 yards of a permanent blind or from anything constructed in violation of Florida statutes on lakes Miccosukee, Iamonia, Carr, and Jackson in Leon and Jefferson Counties. In combination, the intent of these two rule changes would be to reduce territorial conflicts among hunters and construction of unpermitted structures on sovereign submerged lands.

SUMMARY: The rule clarifies a prohibited method of take for waterfowl on selected public lakes in Leon and Jefferson counties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, September 17-19, 2008, 8:30 a.m. – 5:00 p.m. each day

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, 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: The ADA Coordinator, at (850)488-6411. 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 IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-1.004 Definitions.

(1) through (57) No change.

(58) Permanent blind – anything that provides shelter, cover, or place of concealment for a person, but does not include any rooted vegetation or a shelter, cover, or place of concealment remaining in place only while the person is present.

(58) through (98) renumbered (59) through (99) No change.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH IT IS CONSIDERED.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 6-15-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-1.04, Amended 6-1-86, 5-10-87, 10-8-87, 3-1-88, 4-13-88, 4-27-89, 4-11-90, 7-1-92, 4-20-93, 3-1-94, 7-1-94, 4-1-96, 11-23-97, 7-1-98, 6-23-99, Formerly 39-1.004, Amended 7-1-00, 5-1-01, 5-1-03, 7-1-04, 5-26-05, 7-1-06, 4-1-07, 7-1-08, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Diane Eggeman, Division Director, Division of Hunting and Game Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.008
RULE TITLE: Permits for Physically Disabled

PURPOSE AND EFFECT: The purpose of the proposed rule change is to clarify a complete single-leg amputation as above the knee for persons seeking permits for the mobility impaired, provide in rule how a mobility-impaired identification card is obtained and incorporate grammatical corrections and language standardization or clarification. The effect of the proposed rule is to clarify outdated rule language and provide a clear definition of complete single leg amputation.

SUMMARY: The proposed rule changes will clarify that complete single-leg amputations must be above the knee for those persons seeking permits for the mobility-impaired. The proposed change includes non-substantive technical changes such as grammatical corrections, language standardization or clarification of an existing rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, September 17-19, 2008, 8:30 a.m. – 5:00 p.m., each day

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, FL 32202

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: The ADA Coordinator, at (850)488-6411. 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 IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.008 Permits for Physically Disabled.

The executive director or his designee may issue permits, to persons who are permanently physically disabled as described below, for activities which would otherwise be regulated or prohibited by these rules. Such permits shall be conditioned as necessary to protect natural resources and to regulate access in accordance with management plans and policies for the area. Individuals not meeting the criteria for a permit set forth in this rule may request accommodation through the process established by the agency:

(1) through (2) No change.

(3) Alternative mobility permits. Permits to operate an all-terrain vehicle will be issued based upon a determination that the applicant has submitted an original certificate from a licensed physician certifying that the individual is mobility impaired in that he or she is one of the following: paraplegic, hemiplegic, quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use braces or prosthesis on both legs, or complete single-leg amputation above the knee. "All-terrain vehicle" shall be as defined in Rule 68A-1.004, F.A.C., provided that no two-wheeled or two-cycle vehicles will be permitted.

(4) Mobility-impaired quota hunt permits. ~~As specified by subsection 68A 5.005(1), F.A.C., applicants for mobility impaired hunts shall submit an application on forms furnished by the Commission, only via U.S. mail or by a commercially established messenger or courier service, or by online computer services, to the address specified on the application. In addition to the application forms specified, No~~ person shall be eligible for issuance of a mobility-impaired quota permit unless the person has obtained a mobility-impaired identification card. A mobility-impaired identification card may be obtained by submitting a completed mobility-impaired eligibility certification application (Form QA-801) to on record with the Commission. Certification as Participants in the mobility-impaired hunt shall be restricted to persons who are paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation, permanently required to use assisting aids to walk, permanently required to use braces or prosthesis on both legs or who have had complete single-leg amputation above the knee.

PROPOSED EFFECTIVE DATE: As soon after adoption as possible.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 5-10-04, Amended 5-1-05,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cindy Hoffman, Office of Human Resources, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-12.002 RULE TITLE: General Methods of Taking Game; Prohibitions

PURPOSE AND EFFECT: The purpose of the proposed rule is to prohibit waterfowl hunting from or within 30 yards of a permanent blind or from anything constructed in violation of Florida statutes on lakes Miccosukee, Iamonia, Carr, and Jackson in Leon and Jefferson Counties. The effect would be to reduce territorial conflicts among hunters and construction of unpermitted structures on sovereign submerged lands.

SUMMARY: The rule prohibits a method of take for waterfowl on selected public lakes in Leon and Jefferson counties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the regular meeting of the Commission, September 17-19, 2008, 8:30 a.m. – 5:00 p.m. each day

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, Florida 32202

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: The ADA Coordinator, at (850)488-6411. 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 IS: James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-12.002 General Methods of Taking Game; Prohibitions.

- (1) through (6) No change.
- (7) No person shall:
 - (a) through (g) No change.

(h) Take ducks, geese, mergansers, or coots while the person is within 30 yards of any permanent blind or anything in violation of either Section 253.77 or 373.430(1)(b) or 403.161(1)(b), F.S. on Lake Miccosukee (Jefferson County), Lake Iamonia (Leon County), Lake Jackson (Leon County), or Carr Lake (Leon County).

- (8) through (9) No change.

PROPOSED EFFECTIVE DATE: AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH IT IS CONSIDERED.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-4-81, 11-17-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-12.02, Amended 6-1-86, 4-11-90, 4-14-92, 4-20-93, 3-1-94, 3-30-95, 4-1-96, 12-28-98, Formerly 39-12.002, Amended 7-1-05, 7-1-06, 7-1-08,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Diane Eggeman, Division Director, Hunting Game and Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking, Possession and Sale of Reptiles

PURPOSE AND EFFECT: The purpose of this proposed revised rule is to protect native Florida freshwater turtle populations from over exploitation. Outdated references to other rules were updated.

SUMMARY: The Fish and Wildlife Conservation Commission proposes limiting harvest of freshwater turtles to five per person per day to protect these species from over exploitation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121 FS.

A HEARING WILL BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: During the Commission’s regular meeting, September 17-19, 2008, 8:30 a.m. each day

PLACE: Hyatt Regency Jacksonville Riverfront, 225 East Coast Line Drive, Jacksonville, FL 32202

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: The ADA Coordinator, at (850)488-6411. 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 IS: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.002 General Provisions for Taking Possession and Sale of Reptiles.

(1) No person shall buy, sell, take, possess, transport, or import any American alligator, or any part thereof, or the nests or eggs of any American alligator except under permit from the executive director, as otherwise provided by this Title, or as follows:

(a) Lawfully acquired, unskinned alligator carcasses with CITES tags legally affixed; skinned alligator carcasses with the CITES tag number and, if applicable, harvest tag number recorded on an attached tag; untanned hides with CITES tags legally affixed; and alligator feet, viscera, and skeletal parts may be bought, sold, possessed, transported, and imported without a permit provided that untanned alligator hides may only be bought by persons licensed pursuant to Section 372.66, F.S., and that records of transfers of alligator feet, viscera, and skeletal parts shall be maintained as specified in Rule 68A-25.052, F.A.C.

(b) Persons permitted pursuant to Section 372.921, F.S., and their employees may transport live, lawfully-possessed, untagged alligators to Florida locations for exhibition purposes and persons permitted pursuant to Section 372.921, F.S., may sell, and they and their employees may transport, such alligators to:

1. Other persons permitted pursuant to Section 372.921, F.S.;
2. To persons permitted to receive such alligators; or
3. To persons out of state, provided that all transports/transfers conducted pursuant to subparagraphs 68A-25.002(1)(b)1., 2. and 3., F.A.C., shall be documented on a Captive Alligator and Egg Transportation/Transfer Document (FWC Form 1006AF).
4. All originating exhibitor/seller(s) acting pursuant to this paragraph shall complete and sign the Captive Alligator and Egg Transportation/Transfer Document before the transport, obtain the signature of the recipient on the document, if appropriate, and forward the document to the Commission within 30 days following the date of transport. A copy of the completed document must accompany the alligators during transport.

(2) Notwithstanding other provisions in this Title, untagged, lawfully-acquired, cured, and mounted crocodilian trophies; untagged, tanned crocodilian hides; and manufactured goods wholly or partly composed of crocodilian hide or other parts may be possessed, transported, and imported without a permit, but may only be sold in accordance with the following:

(a) Documentary evidence of the source of acquisition of such crocodilian products held for sale shall be maintained until the products are sold. Such products held for sale and documentary evidence of the source of acquisition shall be subject to inspection by Commission personnel during reasonable hours.

(b) No person shall sell such crocodilian products manufactured from a species declared to be endangered or threatened by the U.S. Fish and Wildlife Service or the Commission.

(c) No person shall sell any crocodilian product manufactured in the form of a stuffed baby crocodilian less than three feet in length as measured from the tip of the snout to the tip of the tail.

(3) Any alligator, crocodile, caiman or similar reptile, or any part thereof, seized or otherwise acquired by the Commission may be sold.

(4) The records of individuals or concerns selling any species of crocodilian will be subject to inspection and such individuals or concerns shall have in their possession invoices or other documentary evidence of the suppliers of such crocodilians. The advertisement or representation of any crocodilian other than American alligator, and meat and parts thereof, as alligator or "gator" and of caimans, and meat and parts thereof, as crocodile is prohibited.

(5) No person shall use, be in possession of or attend any hook, peg or other such device baited in such a manner as to be capable of taking alligators and suspended so that the bait is above water or submerged less than six inches except nuisance-alligator trappers taking nuisance alligators pursuant to Rule 68A-25.003, F.A.C., and except as otherwise provided in Rules 68A-25.032 and 68A-25.042, F.A.C.

(6) No person shall take more than a total of five (5) native Florida freshwater turtles each day unless authorized by permit from the Executive Director as provided in Rule 68A-9.002 and Chapter 68A-27, F.A.C. Freshwater turtles may be taken as prescribed in Rules 68A-23.012 and 68A-23.003, F.A.C., and manually or by baited hooks, bow, dip nets, traps so designed that any freshwater fish taken therein may escape, or by spearing only during daylight hours. The taking of turtles by bucket traps, snares, or shooting with firearms is prohibited. No person shall buy, sell, or possess for sale any alligator snapping turtle (*Macrolemys temminckii*), box turtle (*Terrapene carolina*), Barbour's map turtle (*Gratemys barbouri*), Escambia River map turtle (*Gratemys ernsti*), diamondback terrapin (*Malaclemys terrapin*), river cooter (*Pseudemys concinna*), or loggerhead musk turtle (*Sternotherus minor*), or parts thereof. No person shall possess more than two (2) Barbour's map turtles, two (2) Escambia River map turtles, two (2) diamondback terrapins, two (2) river cooters, two (2) box turtles, two (2) loggerhead musk turtles, or one (1) alligator snapping turtle unless authorized by permit from the Executive Director as provided in Rule ~~68A-5.004~~, 68A-9.002 and Chapter ~~68A-27~~ ~~68A-27.002~~, F.A.C. River cooters may not be taken from 15 April to 31 July.

(7) No softshell turtles (*Apalone* spp.) or their eggs may be taken from the wild during the period 1 May to 31 July.

(8) No person shall possess more than 50 eggs taken from the wild in the aggregate of species of freshwater turtle native to Florida except as authorized by permit from the executive director as provided in Rule ~~68A-5.004~~, 68A-9.002 and Chapter ~~68A-27~~ ~~68A-27.002~~, F.A.C. Eggs of those turtle species enumerated in subsection 68A-25.002(6), F.A.C., are subject to the same possession limits as apply for those turtles. The purchase or sale of turtle eggs taken from the wild is prohibited.

(9) No person shall buy, sell, take or possess any gopher tortoise (*Gopherus polyphemus*), or any part thereof, unless authorized by permit from the executive director as provided in Rule ~~68A-5.004~~, 68A-9.002, and Chapter ~~68A-27~~ ~~68A-27.002~~, F.A.C.

(10) Possession of gopher tortoises may be authorized by permit from the executive director when the owner can demonstrate that such tortoise(s) was (were) legally acquired and possessed before July 1, 1988.

(11) No person shall possess any turtle or tortoise on which paint has been applied to its shell or body parts, provided that water-soluble, non-toxic identifying marking may be used in turtle racing contests.

(12) No person shall buy, sell or possess for sale any Florida pine snake (*Pituophis melanoleucus mugitus*), nor shall any person possess more than one Florida pine snake, except that said restrictions shall not apply to amelanistic ("albino") specimens.

(13) Reptiles may be taken throughout the year in any manner not conflicting with other provisions of these rules.

(14) On or after July 1, 1990, and until January 1, 2008, any person or entity not currently permitted to possess or exhibit venomous reptiles must qualify for a permit by meeting the following criteria:

(a) Submit documentation in accordance with the criteria specified in paragraph 68A-6.0022(5)(c), F.A.C., showing a minimum of one (1) year substantial practical experience in the care, feeding, handling and husbandry of the family of venomous reptiles for which the permit is sought.

(b) Shall not have been convicted of a violation of venomous reptile regulations for three (3) years prior to application for such permit.

(c) Must be at least 18 years old at the time of application.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. FS. History--New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92, 4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Division of Habitat and Species Conservation
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2008

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2008
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2008

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-16.029 RULE TITLE: Derelict Vessel Removal Grant Program

PURPOSE AND EFFECT: The purpose is to repeal this rule and incorporate the provisions of the Derelict Vessel Removal Grant Program into subsection 68-1.003(7), F.A.C., Florida Fish and Wildlife Conservation Commission Grants Program. This will provide consistency and ease of location for rules of the agency's grant programs.

SUMMARY: The rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 206.606, 376.15, 823.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Woody, Grants Specialist, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or at (850)488-5600 or tim.woody@myfwc.com

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-16.029 Derelict Vessel Removal Grant Program.

Specific Authority 206.606, 376.15 FS. Law Implemented 206.606, 376.15, 823.11 FS. History--New 11-11-85, Formerly 16N-16.29, Amended 5-20-86, Formerly 16N-16.029, 62N-16.029, Amended 7-6-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Harrell, Boating Access Coordinator, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission sitting as agency head

**Section III
 Notices of Changes, Corrections and
 Withdrawals**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.027 RULE TITLE: Clear Indication of Voter's Choice on a Ballot

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 24, June 13, 2008 issue of the Florida Administrative Weekly.

The changes are made in response to an Amended Petition for a Determination of Invalidity submitted to the Division of Administrative Hearing on July 18, 2008 (Florida Democratic Party v. Department of State/Division of Elections, Case No. 08-3485RP) which is now closed as of August 4, 2008, due to a settlement. The summary of the substantive changes made to the proposed rule text is as follows:

(1) Subsection (1) is revised to re-insert existing language that states that the standards in the rule apply in a manual recount as provided specifically by Section 102.166, F.S.

(2) Subsection (6) is revised to clarify that except as otherwise provided in subsections (4) and (5) of the proposed rule, an overvote will not count as valid.

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 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."