

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

RULEMAKING AUTHORITY: 456.072(4), 456.079(1) 468.802 FS.

LAW IMPLEMENTED: 456.072(4), 456.079, 468.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-7.004
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes to change the calculation of the fine imposition.

SUBJECT AREA TO BE ADDRESSED: Citations.

RULEMAKING AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.004 Citations.

Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

(1) through (4) No change.

(5) Failure of the licensee to satisfy continuing education requirements established by the board: Fine of \$100 per hour of continuing education not completed ~~500~~.

(6) through (8) No change.

Rulemaking Specific Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History—New 7-1-98, Amended 3-19-02, 10-24-04, 4-25-06, _____.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.603
RULE TITLE: Permit Fees

PURPOSE AND EFFECT: The purposes and effects of this rule amendment are to: (1) adopt and charge the minimum fee of \$250 for all noticed general environmental resource permits contained in Chapter 40C-400, F.A.C., as set forth in Section 373.109(1)(b) F.S.; (2) adopt and charge the minimum fee of \$100 for District verification that an activity is exempt from regulation under part IV of Chapter 373, F.S., or Section 403.813, F.S., as set forth in Section 373.109(1)(c), F.S.; (3) adopt and charge the minimum fee of \$100 for the District conducting an informal wetland boundary determination, as set forth in Section 373.109(1)(d), F.S.; (4) increase each application fee authorized under part IV of Chapter 373, F.S., such that each fee reflects the upward adjustment in the Consumer Price Index compiled by the United States Department of Labor since the original fee was established or most recently revised, as set forth in Section 373.109(1)(a), F.S.; (5) establish by rule the inflation index to be used for this purpose (the Consumer Price Index for All Urban Consumers (CPI-U), compiled by the United States Department of Labor), as set forth in Section 373.109(1)(a), F.S., and subparagraph 62-113.200(12)(a)8. and paragraph 62-4.050(4)(z), F.A.C.; and (6) clarify that the application fees for propriety authorization to use State-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

This rulemaking implements the 2008 statutory amendments to Section 373.109, F.S., enacted pursuant to Section 18 of Senate Bill 1294 (2008), (Chapter 2008-150, Laws of Florida). Subsequent to the enactment of these statutory amendments, the Florida Department of Environmental Protection delegated its authority to implement the statutory amendment to the water management districts in subparagraph 62-113.200(12)(a)8., F.A.C. These statutory amendments require the following increases in permit application fees and

the following new fees under the Environment Resource Permit program of Part IV, Chapter 373, F.S.: a \$250 minimum fee for noticed general environmental resource permits; a new \$100 minimum fee, not to exceed \$500 if later adopted by rule, to verify qualification for an exemption from regulation; and a new \$100 minimum fee, not to exceed \$500 if later adopted by rule, to conduct an informal wetland boundary determination. Section 373.109(1)(a), F.S., also requires the District to review all of its environmental resource permit (ERP) fees, and to initiate rulemaking no later than December 1, 2008, to increase each application fee authorized under Part IV of Chapter 373, F.S., to ensure that such fees reflect, at a minimum, an upward adjustment in the Consumer Price Index compiled by the United States Department of Labor, or similar inflation indicator, since the original fee was established or more recently revised, and to establish by rule the inflation indicator to be used.

SUMMARY: The proposed rule amendments would: (1) increase the fee for all noticed general environmental resource permits to \$250; (2) create a \$100 fee for District verification that an activity is exempt from regulation; (3) create a \$100 fee for an informal wetland boundary determination; (4) increase each application fee authorized under Part IV of Chapter 373, F.S., based on a Consumer Price Index, (5) establish the Consumer Price Index used for calculating those fees increases; and (6) clarify that the application fee for proprietary authorization to use State-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule amendments will increase the application fee for all environmental resource permit applications and for other applications and decisions under Part IV of Chapter 373, F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.109, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

IF REQUESTED WITHIN TWENTY-ONE (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: Following the regularly scheduled Governing Board Meeting on January 12, 2010, 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, or wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (17)(14). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) through (4) No change.

(5) Chapter 40C-4, F.A.C., environmental resource permits:

(a) Individual and conceptual permits \$5,380 ~~4,500~~

(b) Mitigation Bank permits and conceptual approvals \$11,960 ~~10,000~~

(c) Applications for Modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is not increased \$1,410 ~~1,000~~

(d) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is increased \$4,230 ~~3,000~~

(e) Requests for modification by letter of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits \$270 ~~250~~

(f) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. Systems which have a project area greater than or equal to 40 acres \$1,790 ~~1,500~~

2. Systems which have a project area of less than 40 acres and greater than one acre \$1,190 ~~1,000~~

3. Systems which have a project area of less than or equal to one acre \$590 ~~500~~

4. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual

approval permits, where the total land area is not increased	<u>\$1,100</u> 1,000	(6) Chapter 40C-42, F.A.C., environmental resource stormwater permits and conceptual approval environmental resource stormwater permits.	
5. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual Approval permits, where the total land area of a project is Increased	<u>\$3,300</u> 3,000	(a) Stormwater facility serving a project with a total land area less than or equal to one acre	<u>\$280</u> 200
6. Requests for modification by letter of Chapter 40C-40, F.A.C., standard environmental resource permits, where the total land area of a project is not increased	<u>\$160</u> 150	(b) Stormwater facility serving a project with a total land area greater than one acre	<u>\$490</u> 350
(g) Chapter 40C-400, F.A.C., noticed general environmental resource permits set forth in Rules 40C-400.417 through <u>40C-400.500</u> 40C-400.499 , F.A.C.	<u>\$250</u> 100	Permit applications under Chapter 40C-42, F.A.C., as such rule existed prior to the effective date of the rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of subsections 373.414(12) through (16), F.S.	
(h) Variances associated with an environmental resource permit application	<u>\$550</u> 500	1. Stormwater facility serving a project with a total land area less than or equal to one acre	<u>\$220</u> 150
(i) Formal Determinations:		2. Stormwater facility serving a project with a total land area greater than one acre	<u>\$440</u> 300
1. For property less than or equal to 10 acres	<u>\$860</u> 550	(c) Requests for modification by letter of Chapter 40C-42, F.A.C., permits	<u>\$110</u> 100
2. For property greater than 10 acres but less than or equal to 40 acres	<u>\$1,180</u> 750	(7) No change.	
3. For property greater than 40 acres but less than or equal to 120 acres	<u>\$2,370</u> 1,500	(8) Chapters 62-4 and 62-312, F.A.C., wetland resource management (dredge and fill) permits issued pursuant to the grandfathering provisions of subsections 373.414(11) through (16), F.S.	
4. For property greater than 120 acres	<u>\$2,370</u> 1,500 plus <u>\$310</u> 200 for each additional 100 acres or portion thereof	(a) General permits	<u>\$150</u> 100
5. For properties with an existing formal determination that qualify for a lower fee in accordance with subsection 40C-1.1006(7), F.A.C.	<u>\$350</u> 250	(b) Short form permits:	
(j) No change.		1. Involving the construction of new docking or boardwalk facilities, pursuant to Rule 62-312.070, F.A.C., that provide:	
(k) Management and storage of surface waters permits under Chapters 40C-4 and 40C-40, F.A.C., as such rules existed prior to the adoption of rules pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of Sections 373.414(11) through (16), F.S.		a. 0-2 new boat slips	<u>\$460</u> 300
1. Individual and conceptual permits	<u>\$3,530</u> 2,500	b. 3-9 new boat slips	<u>\$760</u> 500
2. General permits	<u>\$980</u> 700	2. Involving dredging and filling activities that affect 10 acres or less of jurisdictional area, pursuant to subsection 62-312.070(2), F.A.C.:	
(l) Permit applications and formal determinations which require wetland delineations pursuant to Section 373.421(7), F.S., will be charged a supplemental application fee of <u>seven hundred five hundred</u> seven hundred dollars (<u>\$700</u> 500), in addition to the application fees above.		a. Up to and including five years duration	<u>\$760</u> 500
		b. From six years up to and including 10 years duration	<u>\$4,600</u> 3,000
		(c) Standard form permits:	
		1. Up to and including five years duration	<u>\$6,130</u> 4,000
		2. For six years duration	<u>\$9,200</u> 6,000
		3. For seven years duration	<u>\$10,740</u> 7,000
		4. For eight years duration	<u>\$12,270</u> 8,000
		5. For nine years duration	<u>\$13,810</u> 9,000
		6. For ten years duration	<u>\$15,340</u> 10,000
		7. For 11 years duration	<u>\$16,880</u> 11,000
		8. For 12 years duration	<u>\$18,410</u> 12,000
		9. For 13 years duration	<u>\$19,940</u> 13,000
		10. For 14 years duration	<u>\$21,480</u> 14,000
		11. For 15 years duration	<u>\$23,010</u> 15,000

12. For 16 years duration	\$24,550 16,000
13. For 17 years duration	\$26,080 17,000
14. For 18 years duration	\$27,620 18,000
15. For 19 years duration	\$29,150 19,000
16. For 20 years duration	\$30,690 20,000
17. For 21 years duration	\$32,220 21,000
18. For 22 years duration	\$33,760 22,000
19. For 23 years duration	\$35,290 23,000
20. For 24 years duration	\$36,830 24,000
21. For 25 years duration	\$38,360 25,000

(d) For permit applications which involve a combination of fee categories listed above, the highest fee that applies to the appropriate standard form or short form project, pursuant to Rule 62-312.070, F.A.C., shall be charged.

(e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application ~~\$550~~ ~~500~~

(f) No change.

(g) A single additional fee of ~~\$760~~ ~~500~~ shall be required for projects in which monitoring and evaluation to determine success of the mitigation will be required beyond the period of time to which the permit fee will ordinarily apply. If it is determined at the time of the permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee will be due at that time. If it is determined after the time of permit application that monitoring and evaluation to determine the success of the mitigation will be required beyond the time period to which the permit fee will ordinarily apply, then this single additional fee shall be due when it is determined that this monitoring and evaluation is required.

(h) Minor modifications of permits that do not require substantial technical evaluation by the District, do not require a new site inspection by the District, and will not lead to substantially different environmental impacts or will lessen the impacts of the original permit:

1. That consist of transfers of permits or time extensions ~~\$70~~ ~~50~~
2. Involving minor technical changes when the existing permit fee is less than ~~\$460.00~~ ~~\$300.00~~. ~~\$70~~ ~~50~~
3. Involving minor technical changes when the existing permit fee is more than or equal to ~~\$460.00~~ ~~\$300.00~~. ~~\$380~~ ~~250~~

(9) Chapter 40C-44, F.A.C., environmental resource agricultural system permits:

- (a) Standard General Permits for agricultural operations less than 40 acres ~~\$420~~ ~~300~~
- (b) Standard General Permits for agricultural operations greater than 40 acres ~~\$1,050~~ ~~750~~
- (c) Individual Permits ~~\$2,820~~ ~~2,000~~

(d) Permit applications under Chapter 40C-44, F.A.C., as such rule existed prior to the effective date of the rules adopted pursuant to Section 373.414(9), F.S., that are submitted pursuant to the grandfathering provisions of subsections 373.414(12) through (16), F.S.

1. General Permits for agricultural operations less than 40 acres ~~\$470~~ ~~250~~
2. General Permits for agricultural operations greater than 40 acres ~~\$940~~ ~~500~~
3. Individual Permits ~~\$2,840~~ ~~1,500~~
- (10) and (11) No change.

(12) Application fees for a ~~Authorizations on sovereign submerged lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C. to use State-owned sovereign submerged lands~~

- (a) ~~Consents of Use~~ ~~No Fee~~
- (b) ~~Easements and Licenses~~ ~~\$200~~

(13) For individual, conceptual, and standard environmental resource permit, environmental resource stormwater permit, and mitigation bank permit and conceptual approval permit applications that fail to provide five copies of the application package (which package includes the signed application form, construction plan drawings, and other supporting information), for each missing application package the application fee shall be increased as follows:

- (a) Chapter 40C-4, F.A.C., individual and conceptual environmental resource permits, and mitigation bank permits and conceptual approval permits ~~\$220~~ ~~200~~
- (b) Chapter 40C-40, F.A.C., standard environmental resource permits ~~\$110~~ ~~100~~
- (c) Chapter 40C-42, F.A.C., permits ~~\$110~~ ~~100~~

However, this additional fee shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com

- (14) Informal wetland boundary determinations under Part IV of Chapter 373, F.S., for property less than or equal to 1 acre. ~~\$100~~

- (15) Verification that an activity is exempt from regulation under Part IV of Chapter 373, F.S., or Section 403.813, F.S. ~~\$100~~

(16) The District shall use the Consumer Price Index, for All Urban Consumers (CPI-U), all items, compiled by the United States Department of Labor for revising fees under Part

IV of Chapter 373, F.S., pursuant to Section 373.109, F.S., and subparagraph 62-113.200(12)(a)8. and paragraph 62-4.050(4)(z), F.A.C.

(17)(14) No change.

Rulemaking Specific Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas I. Mayton Jr., Senior Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-4.091	Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify that informal wetland determinations are discretionary, non-binding, available only to persons or entities with a legal or equitable interest in the land or power of eminent domain, and are limited to a parcel of property that does not exceed one acre in size.

SUMMARY: The proposed rule would clarify the availability of informal wetland determinations under Section 12.5.6 of the Applicant's Handbook: Management and Storage of Surface Waters, which is adopted and incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared because this rule amendment will not have an impact on small business or small governments. This rule amendment only clarifies the extent of the availability of pre-application informal wetland determinations. Once an applicant submits a permit application, the District will still perform a wetland determination, as necessary.

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.421(6) FS.

LAW IMPLEMENTED: Section 18 of Chapter 2008-150, Laws of Florida, 373.109(1)(d), 373.413, 373.414, 373.421(6) 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: Following the regularly scheduled Governing Board Meeting on January 12, 2010, 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Executive Building, 4049 Reid Street, Palatka, Florida 32177

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: District Clerk at (386)329-4127 or sbertram@sjrwm.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, or wgaylord@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin," "Legal Description of the Wekiva Recharge Protection Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Description of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective November 5, 2008.

(b) through (d) No change.

(2) No change.

Rulemaking Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08,_____.

APPLICANT'S HANDBOOK

12.5.6 Nonbinding Determinations

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative, as District staff time and resources allow. Informal wetland boundary determinations are provided as a public service to applicants or potential applicants for permits under Part IV, Chapter 373, F.S., and are available only to the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the parcel of property. An informal wetland boundary determination is limited to a parcel of property that is less than or equal to one acre in size. A request for an informal wetland boundary determination is not an application for a permit, is not subject to the permit review timeframes established in Chapters 120 or 373, F.S., and does not constitute final agency action.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas I. Mayton Jr., Senior Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2009, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 236 and House Bill 5085, Section 5 which amended Section

408.908(23), Florida Statutes. In addition to this change, obsolete and outdated language has been removed from the Title XIX Long-Term Care Reimbursement Plan as requested by the Centers for Medicare and Medicaid Services (CMS).

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective January 1, 2009, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 236 and House Bill 5085, Section 5 which amended section 408.908(23), Florida Statutes. In addition to this change, obsolete and outdated language has been removed from the Title XIX Long-Term Care Reimbursement Plan as requested by the Centers for Medicare and Medicaid Services (CMS).

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: December 14, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXIII~~ XXXIV Effective Date January 1, 2009 ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 27, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 116.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Long-Term Care Reimbursement Plan to reduce individual nursing home rates proportionately until the required savings of \$231,362,589 is achieved.

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 116.

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: December 14, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version XXXV ~~XXXIV~~ Effective Date March 1, 2009 ~~January 1, 2009~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: November 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 27, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 8A, from the January 2009 Special Session, which created Section 409.9082, Florida Statutes, as follows:

Effective April 1, 2009, there is imposed upon each nursing home facility a quality assessment. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding 5.5 percent of the total aggregate net patient service revenue of assessed facilities. The agency

shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate shall be uniform except as prescribed in subsection (1). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and shall remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers by no later than the 15th of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (2). Nursing home facilities may not create a separate line-item charge for the purpose of passing through the assessment to residents.

(1)(a) The following nursing home facility providers are exempt from the quality assessment:

1. Nursing home facilities that are licensed under part II of chapter 400 and located on the campus of continuing care retirement communities operating pursuant to a certificate of authority under chapter 651;
2. Nursing home facilities that have 45 or fewer beds; and
3. The skilled nursing facility units of acute care hospitals licensed by the agency under Chapter 395, F.S.

(b) The agency may apply a lower quality assessment rate to high-volume Medicaid nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(c) The agency may apply a lower quality assessment rate to high-patient-volume nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(2) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved Medicaid state plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

- (a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;
- (b) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores the rate reductions implemented January 1, 2008, and January 1, 2009;

(c) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores any rate reductions for the 2008-2009 fiscal year; and

(d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.

(3) The agency shall seek necessary federal approval in the form of waivers and state plan amendments in order to implement the provisions of this section.

(4) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if any of the following occur:

(a) The agency does not obtain necessary federal approval for the nursing home facility quality assessment or the payment rates required by subsection (2); or

(b) The weighted average Medicaid rate paid to nursing home facilities is reduced below the weighted average Medicaid rate to nursing home facilities in effect on December 31, 2008, plus any future annual amount of the quality assessment and the applicable matching federal funds.

Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

(5) The agency may seek any of the following remedies for failure of any nursing home facility provider to pay its assessment timely:

(a) Withholding any medical assistance reimbursement payments until such time as the assessment amount is recovered;

(b) Suspension or revocation of the nursing home facility license; and

(c) Imposition of a fine of up to \$1,000 per day for each delinquent payment, not to exceed the amount of the assessment.

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective April 1, 2009, in accordance with Senate Bill 8A, from the January 2009 Special Session, which created Section 409.9082, F.S.

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: December 14, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXVI~~ ~~XXXV~~ Effective Date ~~April 1, 2009~~ ~~March 1, 2009~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 27, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan effective July 1, 2009,

in accordance with Senate Bill 2600, the 2009-10 General Appropriations Act, Specific Appropriation 219 and Senate Bill 1658.

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve an \$81,333,369 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. In accordance with Senate Bill 1658, Section 409.9082, F.S., Quality assessment on nursing home facility providers; exemptions; purpose; federal approval required; remedies, effective July 1, 2009, the Agency may exempt from the quality assessment or apply a lower quality assessment rate to a qualified public, non-state-owned or operated nursing home facility whose total annual indigent census days are greater than 25 percent of the facility's total annual census days.

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2009, in accordance with Senate Bill 2600, the 2009-10 General Appropriations Act, Specific Appropriation 219 and Senate Bill 1658.

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.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: December 14, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756 or by e-mail at stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXXVI~~ XXXVII Effective Date July 1, 2009 ~~April 1, 2009~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The Plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04, 10-12-04, 4-19-06, 8-26-07, 2-12-08, 9-22-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

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 Medicine**

RULE NO.:	RULE TITLE:
64B8-50.003	Delegation of Powers and Duties to Electrolysis Council

PURPOSE AND EFFECT: The changes will clarify the Council's role in considering applications; language has been added for accepting non-disciplinary voluntary relinquishments and language was deleted because it is not needed.

SUMMARY: The Change clarifies the Council's role in accepting 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.

RULEMAKING AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 478.43(3) 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: Joe Baker, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-50.003 Delegation of Powers and Duties to Electrolysis Council.

(1) Pursuant to Section 478.43, F.S., the Board delegates to the Electrolysis Council the following powers and duties.

(a) Approval and denial ~~Certification~~ of applicants for examination and applicants for endorsement.

(b) Approval and denial of continuing education providers and electrolysis training programs.

(c) The authority to accept non-disciplinary voluntary relinquishments.

(d) The authority to notice rules for development and to propose rules to the Board.

~~(2) The Board shall enter final orders in disciplinary cases against electrologists and electrology facility license holders. The determination of probable cause to issue an administrative complaint against an electrologist or a electrology facility license holder shall be made by the Probable Cause Panel of the Board.~~

~~(2)(3)~~ Rulemaking proposals, petitions for declaratory statement and petitions to adopt, amend or repeal rules, which relate to the practice of electrology shall first be presented to the Council. The Council shall consider the matter and make recommendations to the Board as to the appropriate action to be taken.

Rulemaking Specific Authority 478.43(1) FS. Law Implemented 478.43(3) FS. New 5-31-93, Formerly 21M-75.003, Amended 11-16-93, Formerly 61F6-75.003, 59R-50.003, Amended 2-11-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-2.001	Definitions
64B9-2.002	Certification for Approval
64B9-2.003	Student Employment
64B9-2.004	Educational Objectives
64B9-2.005	Faculty Qualifications
64B9-2.006	Curriculum Guidelines
64B9-2.007	Administrative Procedures
64B9-2.008	Clinical Training
64B9-2.009	Performance of Graduates on the Licensing Examination
64B9-2.010	Variance
64B9-2.011	Approval of Nursing Education Programs
64B9-2.013	Program Changes Requiring Board Approval
64B9-2.014	Closure of Nursing Education Programs and Storage of Records
64B9-2.015	Standards of Nursing Education

PURPOSE AND EFFECT: The purpose of this repeal is to bring the Board's rules in compliance with the 2009 amendment to Section 464.019, F.S.

SUMMARY: The rule(s) are being 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.

RULEMAKING AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019, 464.022(3) 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: Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-2.001 Definitions.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, 10-19-06, 10-15-07, Repealed.

64B9-2.002 Certification for Approval.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.21, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.021, 61F7-2.002, 59S-2.002, Amended 12-11-97, 1-26-98, 7-7-02, Repealed.

64B9-2.003 Student Employment.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.022(3) FS. History--New 7-15-80, Formerly 21O-7.22, 21O-7.022, 61F7-2.003, 59S-2.003, Repealed.

64B9-2.004 Educational Objectives.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.019(2) FS. History--New 7-15-80, Formerly 21O-7.23, 21O-7.023, 61F7-2.004, 59S-2.004, Repealed.

64B9-2.005 Faculty Qualifications.

Rulemaking Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.24, Amended 6-8-88, 3-12-91, Formerly 21O-7.024, Amended 9-7-93, Formerly 61F7-2.005, 59S-2.005, Repealed.

64B9-2.006 Curriculum Guidelines.

Rulemaking Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.25, Amended 2-5-87, 6-8-88, 3-24-91, Formerly 21O-7.025, Amended 9-7-93, Formerly 61F7-2.006, 59S-2.006, Amended 12-11-97, Repealed.

64B9-2.007 Administrative Procedures.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.26, Amended 2-5-87, 6-8-88, 3-28-89, Formerly 21O-7.026, 61F7-2.007, 59S-2.007, Repealed.

64B9-2.008 Clinical Training.

Rulemaking Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History--New 7-15-80, Amended 11-22-84, Formerly 21O-7.27, Amended 6-8-88, 2-15-90, 3-12-91, 3-24-91, Formerly 21O-7.027, Amended 9-7-93, 5-1-94, Formerly 61F7-2.008, Amended 11-16-95, Formerly 59S-2.008, Amended 12-11-97, 9-5-00, 10-19-06, Repealed.

64B9-2.009 Performance of Graduates on the Licensing Examination.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.019(2) FS. History--New 7-15-80, Formerly 21O-7.28, 21O-7.028, 61F7-2.009, 59S-2.009, Repealed.

64B9-2.010 Variance.

Rulemaking Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History--New 11-22-84, Formerly 21O-7.29, 21O-7.029, 61F7-2.010, 59S-2.010, Repealed.

64B9-2.011 Approval of Nursing Education Programs.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 5-2-02, Amended 10-19-06, Repealed _____.

64B9-2.013 Program Changes Requiring Board Approval.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 1-28-02, Amended 10-19-06, Repealed _____.

64B9-2.014 Closure of Nursing Education Programs and Storage of Records.

Rulemaking Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 1-28-02, Repealed _____.

64B9-2.015 Standards of Nursing Education.

Rulemaking Specific Authority 464.019(2) FS. Law Implemented 464.019 FS. History—New 1-28-02, Amended 10-19-06, 4-19-09, Repealed _____.

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 7, 2009

Section III

Notices of Changes, Corrections and Withdrawals

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 REVENUE

Division of Child Support Enforcement

RULE NOS.:	RULE TITLES:
12E-1.0052	Unidentifiable Collections
12E-1.014	Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services

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. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

The proposed changes to Rule 12E-1.0052, F.A.C., have been made a part of the record of the public hearing held on September 29, 2009, as noticed in the September 4, 2009, issue of the Florida Administrative Weekly (Vol. 35, No. 35). The proposed change to Rule 12E-1.014, F.A.C., is to correct a revision date referenced in Rule 12E-1.014, F.A.C., to form CS-EF36A.

In response to changes made orally at the public hearing held on September 29, 2009, and having these changes available to the public in print, as provided in the public record, paragraph (b) of subsection (3); subparagraphs 4 and 5 of paragraph (b), in subsection (3); paragraph (c) of subsection (3); paragraphs (a) and (b) of subsection (4); and subparagraph 2 of paragraph (b), in subsection (4); of Rule 12E-1.0052, F.A.C., have been changed.

When adopted, paragraph (b) of subsection (3) will read:

(3)(b) When there is any legible identifying information on the payment instrument, the following steps are taken, sequentially, to try to identify the payment instrument owner, recipient, or source of payment when support collections cannot be identified by the automated remittance processing system. If the manual search identifies the owner of the payment instrument or the recipient, the collection is applied to the correct case.

When adopted, subparagraphs 4. and 5. of subsection (3) will read:

4. If the searches under subparagraphs 1. through 3. do not identify the payment instrument owner, recipient, or employer within 7 business days, further research will be conducted in an attempt to identify the collection and match it to the correct case. Further research includes the following Internet searches.

a. through h. No change.

5. If the searches under subparagraphs 1. through 4. do not identify the collection, repeat the steps described in subparagraphs 1. through 4. twice within 90 calendar days from the original collection receipt date.

When adopted, paragraph (c) of subsection (3) will read:

(3)(c) If the searches under subparagraph (3)(b)5. of this rule do not identify the owner of the payment instrument, recipient or employer, the collection is considered unidentifiable. The Department shall declare the unidentifiable collection as program income, deposit the state share of the collection in the General Revenue Fund and the federal share of the collection in the Grants and Donations Trust Funds. If there is no legible identifying information on the payment instrument a manual search under paragraph (3)(b) is not required. The collection is unidentifiable and must be processed as program income unless the Department has the name and/or address of the remitter of the payment. In those instances the Department will attempt to contact the remitter to identify the recipient of the payment. If the Department is unable to contact the remitter, the collection will be returned to the remitter.