

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.042
RULE TITLE: Secondary Containment Standards
PURPOSE AND EFFECT: To adopt by reference Federal containment regulations stipulated in 40 CFR 165, relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities. Adoption of the regulations referenced in the proposed rule will address the areas of non-equivalency which were identified by the US Environmental Protection Agency during their evaluation of Florida's Aboveground Storage Tank Systems Rule, Chapter 62-762, F.A.C.

SUMMARY: The rule will adopt by reference Federal containment regulations stipulated in 40 CFR 165, relevant to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency that states commercial costs associated with the installation or modification of a secondary containment pad for pesticide dispensing activities, are likely to be incurred by some businesses subject to the rule. Specifically, these costs would be incurred by those businesses which currently do not have a containment pad that meets the requirements of this rule.

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: 487.051, 570.07(23) FS.

LAW IMPLEMENTED: 487.051(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 RULE IS: Mr. Bruce Nicely, Chief of the Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399-1650; (850)487-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.042 Secondary Containment Standards.

(1) The standards applicable to secondary containment of containers of dry pesticides and to containment pads of liquid and dry pesticides for pesticide dispensing activities at facilities identified in 40 CFR 165.80(b) (2008) are set forth and specified in 40 CFR 165.3, 165.80(b), 165.81, 165.82, 165.83, 165.85(a), 165.85(b), 165.85(c)(3) & (c)(4), 165.85(e), 165.85(f), 165.87(a), 165.87(b), 165.87(c)(2) & (c)(3), 165.87(e), 165.87(f), 165.90 and 165.95 (2008).

(2) All federal regulations contained in this rule are hereby adopted and incorporated by reference and may be obtained on the U.S. Government Printing Office's Website <http://www.gpo.gov/fdsys/search/home.action>, or from the Superintendent of Documents, Attn: New Orders, P. O. Box 371954, Pittsburgh, PA 15250-7954. Charge orders may be telephoned to the Government Printing Office order desk at (202)512-1800.

Rulemaking Authority 487.051, 570.07(23) FS. Law Implemented 487.051(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H. Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0021
RULE TITLE: Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt changes to the competencies and skills for the Guidance and Counseling PK-12 and School Psychologist PK-12 examinations, effective January 1, 2011. The effect of these changes will be updated competencies and skills for the Florida Teacher Certification Examinations (FTCE).

SUMMARY: The rule is proposed for amendment to adopt the new edition of the Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition.

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: 1012.56(9) FS.
 LAW IMPLEMENTED: 1012.56 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: May 18, 2010, 10:00 a.m.
 PLACE: Tampa Airport Marriott, Duval Room, Tampa, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple-choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before January 1, 2011 ~~October 1, 2009~~, the general knowledge competencies and skills as contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fourteenth ~~Thirteenth~~ Edition." Beginning with the January 1, 2011 ~~October 1, 2009~~, test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth ~~Fourteenth~~ Edition." ~~Copies of these publications may be obtained from Florida Teacher Examinations, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a price to be established by the Commissioner not to exceed actual cost.~~

2. Before January 1, 2011 ~~October 1, 2009~~, the professional education test competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fourteenth ~~Thirteenth~~ Edition," which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2011 ~~October 1, 2009~~, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth ~~Fourteenth~~ Edition," which is hereby incorporated by reference

and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule, and

3. Before January 1, 2011 ~~October 1, 2009~~, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fourteenth ~~Thirteenth~~ Edition," which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2011 ~~October 1, 2009~~, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth ~~Fourteenth~~ Edition," which is hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule.

(d) Before July 1, 2002, the College Level Academic Skills Test or the Praxis I: Academic Skills Assessment as described in subsection (13) of this rule shall be used to demonstrate mastery of general knowledge for an individual who holds a bachelor's or higher degree as specified in Rules 6A-4.004, 6A-4.050, and 6A-4.066, F.A.C.

(3) through (15) No change.

Rulemaking Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.56 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, 7-9-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Sellers, Acting Deputy Commissioner for Accountability, Research and Measurement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 6, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573
 RULE TITLE: Industry Certification Process

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the "2010-2011 Comprehensive Industry Certification List" and the "2010-2011 Industry Certification Funding List." The effect of the amendment is to ensure school districts have the most up to date list of industry certifications that may be offered to their students.

SUMMARY: The rule is amended to adopt the "Comprehensive Industry Certification List," as compiled by the Agency for Workforce Innovation, as approved and

published March 2010 by Workforce Florida, Inc. In addition, the “2010-2011 Industry Certification Funding List” is presented for approval.

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: 1003.492(2) FS.

LAW IMPLEMENTED: 1003.491, 1003.492, 1003.493 FS.

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

DATE AND TIME: May 18, 2010, 10:00 a.m.

PLACE: Tampa Airport Marriott, Duval Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Interim Chancellor, Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0573 Industry Certification Process.

(1) Pursuant to Section 1003.492(2), F.S., Workforce Florida, Inc.’s approved list of industry certifications, which has been named the “Comprehensive Industry Certification List, March ~~2010~~ 2009” is adopted by the State Board of Education and incorporated by reference in this rule. The “Comprehensive Industry Certification List” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(2) No change.

(3) “Industry Certification Funding List.” The Department of Education shall review the approved “Comprehensive Industry Certification List” to identify certifications deemed sufficiently rigorous academically and, thus, eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1)(~~o~~), F.S.

(a) This list will be known as the “2010-2011 Industry Certification Funding List,” to be published by the Department of Education and is incorporated by reference in this rule ~~to become effective with the effective date of this rule~~. The “Industry Certification Funding List” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce/fcpea/default.asp>.

(b) through (c) No change.

(4) No later than March 15 each year, the Department of Education shall produce a preliminary “Industry Certification Funding List” and shall show the industry certifications for which registered career and professional academy students

may be reported for additional full-time equivalent membership funding by school districts under Section 1011.62(1)(~~o~~), F.S.

(a) through (5) No change.

(6) Conditions for the additional full-time equivalent membership funding pursuant to Section 1011.62(1)(~~o~~), F.S.

(a) through (7)(b) No change.

(c) Eligibility for funding under Section 1011.62(1)(~~o~~), F.S., is limited to academies registered with the Department of Education.

(d) through (8)(b) No change.

(c) In the annual registration process for the academy, the school district can no longer report an industry certification that fails to meet the performance criteria in the academy and will not be eligible to receive the additional full-time equivalent membership funding for that industry certification under the requirements of Section 1011.62(1)(~~o~~), Florida Statutes.

Rulemaking Authority 1003.492(2) FS. Law Implemented 1003.491, 1003.492, 1003.493 FS. History—New 10-20-08, Amended 8-18-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta Costin, Interim Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-6.0787

RULE TITLE:

Ballot Process for Teacher and Parent Voting for Charter School Conversion Status

PURPOSE AND EFFECT: The proposed rule will establish a ballot process by which teachers and parents may vote to support the conversion of their public school to charter school status. The effect will be a consistent process for all school districts.

SUMMARY: The proposed rule will establish a ballot process for teacher and parent voting as it relates to converting a public school to charter status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There may be minimal costs associated with preparing and distributing ballots if a public school chooses to conduct a vote for conversion.

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: 1002.33(26) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATE AND TIME: May 18, 2010, 10:00 a.m.

PLACE: Tampa Airport Marriott, Duval Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0787 Ballot Process for Teacher and Parent Voting for Charter School Conversion Status.

An application proposing to covert an existing public school to a charter school must demonstrate the support of teachers and parents in accordance with Section 1002.33(3)(b), Florida Statutes. The following provisions are established to detail the ballot process by which such support shall be demonstrated.

(1) Initiation of ballot process. Any individual or group may submit a request in writing to the school administrator to conduct a vote for conversion. The request shall be submitted no later than ninety (90) days prior to the August 1 deadline for charter applications. The administrator shall initiate the ballot process within sixty (60) days of receipt of the written request and the ballot process shall be completed no less than thirty (30) days prior to the charter application deadline.

(2) Ballot process.

(a) Support for a conversion charter school shall be determined by secret ballot.

(b) Teachers and parents shall be offered the opportunity to vote on whether or not to approve the charter school proposal.

(c) A minimum of one school day shall be allotted for teachers to submit a ballot and a minimum of six (6) consecutive school days shall be allotted for parents to submit a ballot.

(d) Written notification of a ballot shall be provided to teachers and parents at least thirty (30) days prior to conducting the ballot. The notification shall include, at a minimum:

1. The definition of a charter school;

2. A description of the conversion process;

3. The dates and conditions under which a ballot may be submitted;

4. The date and location of a scheduled public meeting where the ballots will be counted; and

5. Contact information for additional questions.

(e) The official ballots shall be created and distributed by the school and submitted by teachers and parents in a sealed, unmarked envelope also provided by the school.

(f) Separate ballot boxes shall be created for teacher and parent votes and each box shall be visibly sealed, supervised during school hours, and secured when the school is closed in order to maintain the confidentiality of ballots.

(g) Upon placement of the ballot by the voter into the ballot box, the school administrator or designee who is not eligible to vote shall confirm the individual's eligibility to vote and document who submitted the ballot in order to ensure only eligible individuals vote and no individual votes more than once.

(3) Ballot results.

(a) As soon as possible, but not more than three (3) school days after closing the ballot, a public meeting shall be held in which an independent arbitrator, selected by the agreement between the school administrator and the applicant, will unseal the teacher and parent ballot boxes and count the ballots aloud in the presence of meeting attendees.

(b) Each vote shall be tallied by the independent arbitrator.

(c) The final ballot results shall be posted in a prominent location on the school site.

(d) If a majority of teachers employed at the school and a majority of voting parents support the charter proposal, the conversion charter application must be submitted by the application deadline that follows the ballot. The ballot results may not carry over to another school year or application period.

(e) If a majority of parents and/or teachers do not support the charter proposal, the application may not be submitted to the sponsor.

(f) Only one (1) vote per school year may be held.

(4) Teacher voting. For purposes of this rule a teacher is an individual as defined in Section 1012.01(2)(a), Florida Statutes, and employed by the school for more than half of each school day. School administrators are not eligible to vote.

(a) Teacher ballots shall be uniform in design and created and distributed by the school along with a sealable, unmarked envelope.

(b) A teacher who is absent, on leave, or otherwise unavailable to submit his or her ballot during the designated balloting window may:

1. Designate another individual to submit his or her ballot.

The teacher must put the sealed ballot in another envelope and sign the seal of the outside envelope. When the designee presents the ballot at the school's site, it shall be removed from the signed outer envelope and immediately placed in the ballot box.

2. Submit the ballot early upon mutual agreement between the teacher and the school administrator.

(c) A teacher may refuse to vote or choose not to submit a ballot, which is equivalent to voting not to approve the charter proposal.

(5) Parent voting. For purposes of this rule, each household shall receive one ballot regardless of the number of students residing in the household. If a student has two households, the household of the enrolling parent shall receive the ballot.

(a) Parent ballots shall be uniform in design and created and distributed by the school along with a sealable, unmarked envelope.

1. The ballot and envelope shall be mailed to the household of each student enrolled in the school before the ballot is conducted.

2. Extra ballots shall be made available at the school's location during the balloting window.

3. A ballot may be sent home with a student if the parent's address is found to be invalid.

(b) If the parent is unable to submit the ballot in person at the school site, he or she may put the sealed ballot in another envelope, sign the seal of the outside envelope, and mail the ballot to the school. The parent shall include identification on the outer envelope such as a return address to ensure only one ballot is submitted per household. If the ballot is submitted improperly, it shall not be counted.

(c) A teacher who is also the parent of a student enrolled in the school shall be allowed to submit both a teacher ballot and the parent ballot submitted for the household.

(d) A majority of parents eligible to vote must participate in the ballot process pursuant to Section 1002.33(3)(b), Florida Statutes; therefore, for purposes of this rule, a majority is more than half.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(3)(b) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 10, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0960
 RULE TITLE: Florida Tax Credit Scholarship Program

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide that private schools participating in the Florida Tax Credit Scholarship Program may be subject to on-site inspections in conjunction with a formal complaint and to allow the Department to refer an inquiry to the Office of Inspector General at any point. The effect is a rule which will further strengthen the Department's administration and implementation of the program.

SUMMARY: The proposed rule amendment aligns the rule with governing statutes and provides for private school on-site inspections in conjunction with a formal complaint and allows the Department to refer an inquiry to the Office of Inspector General at any point in 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.

RULEMAKING AUTHORITY: 220.187 FS.

LAW IMPLEMENTED: 220.187 FS.

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

DATE AND TIME: May 18, 2010, 10:00 a.m.

PLACE: Tampa Airport Marriott, Duval Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400; (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0960 ~~Florida Corporate~~ Tax Credit Scholarship Program.

The ~~Florida Corporate~~ Tax Credit Scholarship Program will be implemented as required by Section 220.187, F.S., to allow nonprofit scholarship-funding organizations to provide scholarships from eligible contributions to qualified students attending eligible private schools or public schools outside the school district in which the student resides or in a laboratory school.

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

(e) No later than March 15 of each year, the Department shall submit to the Florida Department of Revenue a list of organizations that it has determined to be eligible to be listed as a nonprofit scholarship-funding organization for participation in the ~~Florida Corporate~~ Tax Credit Scholarship Program.

(f) through (h) No change.

(2) through (3) No change.

(4) Qualified students. Applications for a Florida Corporate Tax Credit Scholarship shall be made by parents directly through an eligible nonprofit scholarship-funding organization. The nonprofit scholarship-funding organization shall identify qualified students and award all scholarships consistent with the requirements of Section 220.187, F.S. The process used to identify qualified students and award scholarships is subject to the annual financial and compliance audit required by law.

(5) Private school participation. To participate in the Florida Corporate Tax Credit Scholarship Program, a school must meet the definition of an “eligible private school” as defined in Section 220.187(2)(e)(~~d~~), F.S., and:

- (a) through (d) No change.
- (6) No change.

(a) Pursuant to Section 220.187(9)(i), F.S., relating to the identification and selection of nationally norm-referenced tests for the measurement of student achievement, participating private schools must annually administer a nationally norm-referenced test that has been approved by the Department and listed on the Department’s website to students receiving Florida Corporate Income Tax Credit Scholarships. The list may be accessed at http://www.floridaschoolchoice.org/information/CTC/norm_referenced_assessment.asp.

- (b)1. through 4. No change.

(7) Commissioner’s duties. The Commissioner may deny, suspend, or revoke a private school’s participation in the scholarship program pursuant to Section 220.187(~~11~~)(~~40~~), F.S.

- (a) through (c) No change.
- (8)(a) through (e) No change.

(f) The Department shall notify the complainant of the final result of all legally sufficient formal complaints.

- (9)(a) No change.

(b) Failure to respond to a letter of inquiry, in a timely manner by:

1. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the nature of the inquiry and the parent’s deemed admission of alleged violation due to a failure to respond to the letter of inquiry. The nonprofit scholarship-funding organization can use that information to reconsider its determination of student eligibility.

2. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner’s authority established pursuant to Section 220.187(~~11~~)(~~40~~), F.S., and this rule.

3. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, the student, or private school as appropriate ~~a formal notice will be sent from the~~

~~Commissioner to the district’s Superintendent stating that failure to respond within five (5) working days shall be deemed to be an admission of the stated violation or allegation.~~

(c) The Department shall review the response to the letter of inquiry and:

1. If satisfied that no violation of laws or rules related to scholarship program participation occurred, notify the parent, private school, or school district and complainant that the inquiry will be closed.

2. If more information is needed, request additional information related to the inquiry from the complainant, parent, private school, or school district or conduct a site audit/inspection as appropriate.

3. If a violation of laws or rules related to scholarship program participation has been committed by:

a. A parent, then the Department shall notify the appropriate nonprofit scholarship-funding organization of the violation which it may use to reconsider its determination of student eligibility.

b. A private school, then the Department shall proceed with the noncompliance procedures related to the Commissioner’s authority established pursuant to Section 220.187(~~11~~)(~~40~~), F.S., and this rule.

c. A school district, then the Department shall take any actions allowable under law to compel school district compliance with program requirements and to ameliorate the effect of the violation on the parent, student, or private school as appropriate.

(d) The Department may at any point in the process set forth in this rule refer an inquiry to the Department’s Office of Inspector General or another appropriate agency for investigation.

(e) Notwithstanding any other provisions of this rule, the Commissioner may at any point during the inquiry process exercise the authority given under Section 220.187(~~11~~)(~~40~~), F.S., and this rule ~~to immediately suspend payments to a private school if there is probable cause to believe that there is an imminent threat to the health, safety, and welfare of students or suspected fraudulent activity on the part of the private school.~~

Rulemaking Authority 220.187(9)(i), 220.187(12)(c) FS. Law Implemented 220.187 FS. History–New 2-5-07, Amended 11-26-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0341
 RULE TITLE: Career Education Student Follow-Up Requirements

PURPOSE AND EFFECT: The rule establishes procedures for determining a postsecondary student’s placement status. The amendment to the rule is to be consistent with terminology in current law relating to career education and identifying Florida colleges in addition to community colleges already identified in the rule. The effect is a rule which is clear and consistent with governing law.

SUMMARY: Terminology is updated to be consistent with current statutes.

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: 1008.43(1)(b),(4) FS.

LAW IMPLEMENTED: 1008.42(2)(b)3., 1008.43(1) FS.

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

DATE AND TIME: May 18, 2010, 10:00 a.m.

PLACE: Tampa Airport Marriott, Duval Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Loretta Costin, Interim Chancellor, Career and Adult Education, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0446

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0341 Career ~~Vocational~~ Education Student Follow-Up Requirements.

(1) To meet public information requirements of Section 1008.42(1) ~~239-245~~, Florida Statutes, school districts; independent postsecondary career education ~~vocational~~, technical, trade and business schools; Florida colleges and community colleges shall determine a postsecondary career education ~~vocational~~ student’s placement status using one (1) or more of the following procedures:

(a) The written questionnaire outlined in this rule;

(b) State-level computerized employment data collected by the Florida Education and Training Placement Information Program (FETPIP);

(c) Written verification from the employer.

(2) through (5) No change.

(6) The written notification must indicate that the local education agency or independent school intends to conduct a local follow-up of its career education ~~vocational~~ completers and leavers; the program(s) on which the local follow-up will be conducted; reason(s) for the local follow-up; and, may request technical assistance.

(7) Anytime a local education agency or independent school publishes program performance measures that are based at least partially on local follow-up data, a notice of the inclusion of those data must be made in writing as part of the publication. The following statement must be displayed prominently in the publication: “As a result of a career education ~~vocational~~ program review, locally collected career education ~~vocational~~ student follow-up data have been used to compile this information. The methods used to collect this information are specified by state laws and rules. These data are available for inspection upon request.”

Rulemaking Specific Authority 1008.43(1)(b), (4) FS. Law Implemented 1008.42(2)(b)3., 1008.43(1) FS. History–New 6-23-87, Amended 11-24-87, 10-4-93, 6-18-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta Costin, Interim Chancellor, Career and Adult Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric Smith, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 2010

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.101
 RULE TITLE: Canteen Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove language regarding the time frames inmates may possess consumable items from the institutional canteen, as this language is being moved to Rule 33-602.201, F.A.C., via Chapter 120, F.S.

SUMMARY: The proposed rule removes language regarding the time frames inmates may possess consumable items from the institutional canteen, as this language is being moved to Rule 33-602.201, F.A.C., via Chapter 120, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 20.315, 944.09, 945.215 FS. LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-203.101 Canteen Operations.
- (1) through (3) No change.
- (4) Items Authorized for Sale in Canteens.
- (a) through (c) No change.
- ~~(d) In keeping with good sanitary practices, food in dormitories or cells is restricted to nonperishable items or food that is to be consumed immediately. Storage of perishable food is prohibited.~~
- (5) through (8) No change.

Rulemaking Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-21-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-2-03, 12-14-04, 6-16-05, 11-29-06, 11-9-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.201
RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify language regarding the time frames inmates may possess consumable items from the institutional canteen, as this language is being removed from Rule 33-203.101, F.A.C., via Chapter 120, F.S.

SUMMARY: The proposed rule clarifies language regarding the time frames inmates may possess consumable items from the institutional canteen, as this language is being removed from Rule 33-203.101, F.A.C., via Chapter 120, F.S. The proposed rule also adds a canteen-purchased plastic bowl to the approved inmate property list.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 944.09 FS. LAW IMPLEMENTED: 944.09 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-602.201 Inmate Property.
- (1) through (3) No change.
- (4) Authorized Property.
- (a) through (d) No change.
- (e) Inmates shall be required to maintain receipts for items purchased from the canteen for as long as they possess the items. In instances where items purchased from the canteen are added to Form DC6-224, Inmate Personal Property List, by the property officer, the inmate will not be required to maintain the original canteen receipt. Perishable food ~~Food~~ and beverage items purchased from the canteen are intended for immediate consumption and may not be stored in an inmate's housing area, and inmates may not retain such items longer than 30 days, as evidenced by the canteen receipt. ~~Perishable food and beverage items are those that are unsealed or that require refrigeration.~~ Nonperishable A food or beverage items ~~item~~ may not be kept longer than 30 days, as evidenced by the canteen receipt, and shall be considered contraband if found in the possession of an inmate more than 30 days after ~~its~~ purchase.
- (f) No change.
- (5) through (17) No change.

**APPENDIX ONE
PROPERTY LIST**

This list incorporates all property authorized to be possessed by inmates in all Department institutions and facilities except community correctional centers. Except for items specified

below as “exemptions”, property received must be in compliance with this list. Inmates in possession of property previously approved by the Department of Corrections which meets the description of property on the list shall be allowed to retain the property. Inmates transferring to Department facilities from private correctional facilities shall be allowed to retain only those items that are in compliance with the list of authorized property. As items sold in canteens at private facilities may differ from those sold in Department canteens, items purchased in canteens at private facilities will not always be admissible in Department facilities.

Definitions.

The “quantity” establishes a maximum possession limit. This does not mean that all state issue items will be issued to each inmate, or that the maximum number of items will be issued. Items found in the possession of an inmate that are in excess of the established “quantity” shall be treated as contraband in accordance with Rule 33-602.203, F.A.C. Where there is a “value” indicated, the authorized item shall not exceed that value. The terms “canteen” and “state issue” refer to the sources from which property can be obtained after January 1, 1996. All items with the “canteen” designation shall be available in all institutional canteens or through canteen order.

All canteen items are transferable between institutions. “State issue” means that the institution has the authority to issue this item to inmates based upon the character of the institution, the location of the institution, the housing or work assignment of the inmate, or other factors related to institution or inmate needs. Institutions housing death row inmates shall make adjustments to this property list when possession of listed items by death row inmates would create a threat to the security of the institution.

Exemptions.

Inmates already in possession of the following previously approved items shall be allowed to retain the items until they are no longer serviceable, but shall not be allowed to replace them with like items.

- Clothing items of a different color than specified on the property list.
- Locks other than V68 series
- Plastic bowls, tumblers, cups and lids
- Pantyhose
- Nail clippers larger than 2-1/2"

AUTHORIZED PROPERTY LIST

CLOTHING	Quantity	Unit	Value	Articles
	1	each		Athletic Bra (canteen – female only)
	1	each		Belt (state issue)
	4	each		Bras (state issue or canteen – female only)
	1	each		Coat (state issue)
	3	each		Dresses (state issue – female only)
	1	pair		Gloves, work (state issue)
	4	each		Handkerchief, cotton, white only (canteen)
	1	each		Hats (state issue)
	2	pair		Pajamas – long (state issue or canteen) Light blue or white – female only
				Light blue – male
	7	each		Panties (state issue or canteen – female only)
	3	each		Pants (state issue)
	1	each		Raincoat or Poncho – clear (state issue or canteen)
	1	each		Robe (state issue – female only)
	3	each		Shirt, outer (state issue)
	4	each		Shirt, T-Shirt (state issue or canteen order – gray for female, white for male) *inmates may possess both state-issue and canteen-purchased shirts, but the total combined number cannot exceed 4.
	1	pair		Shoes, Athletic (canteen)
	1	pair		Shoes, Work (state issue)
	2	each		Shorts, athletic (navy blue) (canteen)
	1	each		Shower cap, clear only (female only) (canteen)
	1	pair		Shower slides (canteen)
	3	each		Slips (state issue – female only)
	6	pair		Socks (state issue or canteen)
	1	each		Supporter, athletic (male only) (canteen)
	2	each		Sweatshirts (gray only) (canteen order)
	4	each		Undershorts (male only) (state issue or canteen)
	2	each		Underwear, thermal (state issue or canteen)

PERSONAL ARTICLES

Quantity	Unit	Value	Articles
Number in use			Batteries (canteen)
25	each		Roller clips – plastic only (females only), (canteen)
*			Books (legal, educational, religious, fiction) – * Quantity as specified by Rule 33-501.401, F.A.C.
<u>1</u>	<u>each</u>		<u>Bowl – plastic (canteen)</u>
1	package		Breath tablets (canteen)
1	each		Calendar, as specified by Rule 33-501.401, F.A.C.
*			Canteen purchases – * limited by approved storage space;
1	set		Checkers (light wood or plastic, standard checkers only) (canteen order)
1	set		Chess (light wood or plastic, 2 inches max. height) (canteen order)
1	each		Coffee mug – plastic (canteen)
1	each		Comb-pocket type, no handles (non-metal) (state issue or canteen)
*			Correspondence – * limited by storage space limitations
1	pack		Cotton swabs (plastic or paper stems only) (canteen)
2	each		Crème rinse and conditioner (canteen)
1	each		Cup, drinking – plastic (canteen)
1	package		Dental floss, (floss loops only), unwaxed (canteen)
1	each		Denture adhesive (state issue or canteen)
1	each		Denture cup (canteen order)
2	each		Deodorant and antiperspirant (no aerosols) (canteen)
1	set		Domino (light wood or plastic, standard size) (canteen order)
1	pair		Earphone pads (replacement) (canteen order)
1	pair		Ear rings, post type (female only) (canteen order)
*			Educational supplies (items must be pre-approved for vocational education or correspondence study programs. Items are authorized only for the duration of the course)
1	pack		Emery board – cardboard (canteen)
25	each		Envelopes – legal (#10 size) (canteen)
5	each		Envelopes – oversized (10" x 13") (canteen)
*			Envelopes, self-addressed stamped – * the total in the inmate’s possession shall not exceed the limit of 1 pack.
2	each		Eyeglasses, case, contact lens and solutions (state issue or personal; “personal” means that inmates already in possession of these items will be allowed to retain them, but any future items will be provided by the institution if needed.) Contact lenses will only be provided if medically indicated
1	each		Eye shadow, eyeliner, mascara, eyebrow pencil, blemish preparation, lipstick, blemish and spot cover-up, lip coloring (female only) (canteen)
1	box		Feminine hygiene products (internal and external) (female only) (state issue or canteen)
*			File folders (*limited by storage space)
20			Greeting cards and accompanying envelopes
1	each		Hairbrush – nonmetal, handles for females only (canteen)
2	each		Hairdressing (styling gel, pink oil, cholesterol, perm kit – female only) (no aerosols) (canteen)
1	each		Hair net (female only) (canteen)
25	each		Hair rollers (female only) (canteen)
2	each		Handballs or racketballs (canteen)
1	each		Headphones for use with radio (canteen)
1	each		Health aids – headache and cold remedies, antacids, antifungal preparations, cough drops, nasal spray, etc. No imidazoline, tetrahydrozoline, or hydrochloride

2	each		compounds (canteen – as approved by health services)
*			Hearing aid (state issue or personal)
			Hobby craft – at locations where program exists and subject to storage space limitations
1	each		Insect repellent (canteen)
1	each		Jigsaw puzzle (canteen order)
1	each		Laundry bag (state issue or canteen)
1	each		Lighter, disposable (approved type) (canteen)
1	each		Lip balm (canteen)
1	each		Locks, combination (V68 series) (canteen)
1	each		Make-up bag, clear only (female only) (canteen)
1	each		Mirror – plastic, nonbreakable, 5" x 7" max. (canteen)
1	each		Moisturizer – no mineral oils, no vaseline (canteen)
1	each		Mouthwash (canteen)
1	each		Nail clippers, not to exceed 2 1/2" (canteen)
2	pack		Notebook paper (canteen)
4	each		Pens, ballpoint, flair-type, pencils with erasers, or security pens, no markers (canteen)
*			Periodicals – * as specified by Rule 33-501.401, F.A.C., and storage space limitations
1	each		Photo album, non-metal (canteen)
50	each		Photographs (personal)
2	decks		Playing cards (standard) (canteen)
5	each		Pony tail holder (fabric) or hair claws (plastic) (female only)
1	each		P.R.I.D.E. service pin (issued to inmate from P.R.I.D.E.)
*			Prosthesis – * as approved by health services
1	each	50.00	Radio, DC/AM/FM only, "Walkman" type, maximum 4" x 5" (canteen)
1	each		Razor, disposable (state issue)
1	each	50.00	Razor, battery operated, non-rechargeable (canteen order)
*			Religious requirements – as approved by chaplaincy services, (examples: head covering, prayer rug)
1	each	50.00	Religious medallion with chain (personal or provided by Chaplain)
1	each	100.00	Ring, engagement (personal, female only)
1	each	100.00	Ring, wedding (personal)
1	each		Roller cap, clear only (female only) (canteen)
1	set		Scrabble (canteen order)
2	each		Shampoo (canteen)
1	each		Shaving cream (canteen)
1	each		Shaving powder (canteen)
1	pair		Shoe laces (canteen)
1	each		Shoe wax (Liquid only, non flammable, no nitrobenzene; canteen)
2	each		Soap, bath (state issue or canteen)
1	each		Soap dish (canteen)
1	each		Soap, laundry (female only) (canteen)
*			Special needs – * special devices as approved for compliance with medical needs
1	each		Spoon, plastic (canteen)
40	each		Stamps (the equivalent of 40 1-ounce 1st class) (canteen)
1	each		Sunglasses, no mirror type (canteen)
1	each		Sunscreen lotion (canteen)
1	each		Talcum powder (canteen)
1	each		Toothbrush (state issue or canteen)
1	each		Toothbrush holder (canteen)
2	each		Toothpaste and Toothpaste with mouthwash (state issue or canteen)
2	each		Towels (state issue)
1	each		Wallet (canteen)
1	each	50.00	Watch (personal or canteen)
1	each		Watch band (nylon and Velcro only) (canteen)
2	each		Washcloths (state issue or canteen)

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, 10-23-06, 2-27-08, 12-25-08, 1-25-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Deputy Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter McNeil, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2010
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend section 5.1 of the Water Use Permit Information Manual Part B, "Basis of Review" to specify when water use permittees are required to submit the Flow Meter Accuracy Verification Form, LEG-R.021.01(4/09), and incorporate the revised Basis of Review by reference. The effect will be to require the submittal of the Flow Meter Accuracy Verification Form, required every 5 years, during a specific month depending upon the county in which the permitted water withdrawal facilities are located.

SUMMARY: Water use permittees required to monitor and report water withdrawal quantities to the District are also required to maintain accurate totalizing flow meters on each withdrawal facility. Permit conditions require the testing of flow meters and submittal of the Flow Meter Accuracy Verification Form to the District at a minimum of once every 5 years. Use of the reporting form was first added to permits located within the Southern Water Use Caution Area in January 2003, which resulted in most forms being due in January 2008. The high demand for water meter testing could not be met by the limited number of certified meter testing companies, which resulted in many delays and time extension requests. The large volume of reports that were submitted in January overwhelmed staff resources. To address this, the District is proposing to stagger the months for submittal of the report, which will now be due in a given month according to the county in which the withdrawal facilities are located. The form submittal months are intended to correlate with varied planting seasons among the counties where possible, in an effort to avoid making agricultural permittees turn withdrawal facilities on during off-season periods solely for testing purposes. It is anticipated that by spreading out the due dates

for submittal of the form, testing companies will be able to target specific counties within the District and thereby reduce travel costs, which should result in lower costs passed on to affected permittees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared to analyze anticipated costs associated with having to submit the required Flow Meter Accuracy Verification form in a specific assigned month. Approximately 1,792 water use permits have conditions requiring the testing and submittal of the Flow Meter Accuracy Verification form at least once every 5 years. Some 8,000 forms will be submitted District-wide. For this next round of reports, most of which will be due in 2012, some permittees will have to submit their forms anywhere from 1-11 months earlier than they would under existing rules. Approximately 730 or 9% will have due dates that are 11 months earlier. The costs for flow meter testing are estimated to range from \$400 for a single meter located a great distance from a meter testing company, to \$150 per meter for multiple meters located close to a meter testing company. Based on a median of \$275 per meter, the one-time "opportunity cost" associated with having to have a meter tested for accuracy on an accelerated schedule (thus having to save more for testing over a shorter timeframe) is estimated to range from \$5 per test for 1 month early to about \$50 per test for 11 months early submittal. The amendments are not anticipated to create transactional costs for small businesses, small cities or small counties. Some permittees may benefit from reduced meter testing costs as a result of county-specific due dates, which will allow the testing companies to realize cost efficiencies by targeting specific areas of the District.

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, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference into this Chapter, and are available from the District’s website at www.watmatters.org or from the District upon request:

- (a) Water Use Permit Information Manual Part B, “Basis of Review (_____) (~~11-2-09~~) and
- (b) No change.
- (2) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 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, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, _____.

Water Use Permitting Information
Manual Part B – Basis of Review (BOR)

5.1. WITHDRAWAL QUANTITY.

Flow Meter Verification.

The following requirements pertain to the required flow meter testing:

1. The Flow Meter Accuracy Verification Form, Form No. LEG-R.021.01 (4/09), incorporated by reference in paragraph 40D-2.091(2)(a), F.A.C., reference above under the heading “Flow Meters.” 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° F degrees for ground water, and for other water sources the measured water temperature shall be used.

2. through 6. No change.

7. Flow meters shall be tested in place for accuracy at a minimum of once every five years beginning from the flow meter’s date of installation or from the date of initial issuance of the permit containing the metering condition with an accuracy-test requirement for existing meters, unless the permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. Results of the flow meter accuracy testing shall be reported to the District on the Flow Meter Accuracy Verification Form, Form No. LEG-R.021.01 (04/09), and shall be submitted no later than the end of the month indicated below for the county in which the permitted withdrawal facility or a majority of the permitted withdrawal facilities are located:

<u>a. January</u>	<u>Hillsborough</u>
<u>b. February</u>	<u>Manatee, Pasco</u>
<u>c. March</u>	<u>Polk – Permits ending in odd base number</u>
<u>d. April</u>	<u>Polk – Permits ending in even base number</u>
<u>e. May</u>	<u>Highlands</u>
<u>f. June</u>	<u>Hardee, Charlotte</u>
<u>g. September</u>	<u>DeSoto, Sarasota</u>
<u>h. October</u>	<u>Citrus, Levy, Lake</u>
<u>i. November</u>	<u>Hernando, Sumter, Marion</u>
<u>j. December</u>	<u>Pinellas</u>

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Weber, Water Use Permitting Program Director

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-3.037	Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised appendix to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District, to add the Southern Solvents Superfund Site located in Hillsborough County to the list of sites under the agreement.

SUMMARY: The Memorandum of Agreement (MOA) Between the U.S. Environmental Protection Agency, Region IV, Superfund Division, and the District outlines a cooperative relationship and protocol for sharing information when the District is reviewing permit applications for activity near selected Superfund sites. The MOA enables each agency to implement its respective regulatory practices in a manner that helps prevent additional ground water contamination impacts in areas near selected sites. For the District, this is typically addressed by taking into account the identified contamination and buffer zones when reviewing well construction and other permit applications. Persons considering a District permit for activities located near the selected sites may view the affected areas on the District’s website and thereby avoid activities that could potentially cause contaminants to spread. The MOA appendix will be revised to add Southern Solvents, located on W. Linebaugh Ave. near Gunn Highway in Tampa, to the list of Superfund Sites in the District covered under the MOA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Costs was prepared for this rulemaking, which determined that individuals and entities potentially affected by addition of the Southern Solvents site to the EPA-District MOA would not incur additional costs that would not otherwise be incurred due to the existence of groundwater contamination in and around the Southern Solvents area. Because there is an active trichloroethylene (TCE) contamination plume detected in groundwater wells in the vicinity of the site, permit applications for well construction or groundwater use in the area will be scrutinized by the District to address this contamination. Any permits, if issued, may require special conditions such as minimum well grouting and casing requirements or water use limits, in order to prevent any further harm to public health, safety or welfare and avoid spreading contamination. There are approximately 63 parcels of property located in or partially in the proposed contamination zone, and some 93 parcels located in or partially in the surrounding buffer zone. The mostly commercial area has municipal water supply, and continued use of well water is expected to decrease. State or local government agencies will not be affected by this rulemaking. The District anticipates only minimal costs to implement the MOA. While additional costs attributed to this rulemaking are not expected, potentially affected persons including small businesses should be able to minimize any costs associated with contaminated groundwater supply or migration of groundwater contaminants through avoidance of regulated activities within the identified contamination and buffer zones surrounding the Southern Solvents site.

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, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules, Publications and Agreements Incorporated by Reference.

(1) through (3) No change.

(4) The Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District (August 2008) and Appendix dated March 2010 ~~July 2009~~ are incorporated by reference.

Rulemaking Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History—New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, 1-8-04, 8-19-08, 1-5-09, 8-30-09, 11-2-09, _____.

Memorandum of Agreement Between
The U.S. Environmental Protection Agency, Region 4,
Superfund Division and
The Southwest Florida Water Management District
APPENDIX 1
March 2010 ~~July 2009~~

1. No change.
2. No change.
3. Southern Solvents Superfund Site, EPA No. FLD0001209840, Tampa, Hillsborough County (March 2010).

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Construction Regulation Manager
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

**DEPARTMENT OF MANAGEMENT SERVICES
Technology Program**

RULE NO.: 60FF-5.004
RULE TITLE: Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-Wireless Service Providers

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth the procedural requirements for submitting and reporting the 911 fee required by Section 365.172, Florida Statutes.

SUMMARY: The new rule will set forth the procedural requirements for submitting and reporting the 911 fee required by Section 365.172, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting John C. Ford, Board Chair, at the address listed below. The following is a summary of the SERC:

- The proposed changes would affect 185 service provider companies providing E911 fee remittance.

- No costs would be incurred by the E911 Board. The Board proposes to implement the rule within its current workload, with existing staff.
- The proposed changes will have a minimal impact on small businesses.

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: 365.172.(6)(a)11., 365.172(8) FS.

LAW IMPLEMENTED: 365.172(8) 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: John C. Ford, Board Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.004 Requirements for Fee Remittance Submitted by or on Behalf of Wireless and Non-Wireless Service Providers.

(1) All non-wireless and wireless service providers shall remit fees pursuant to Section 365.172(8), F.S.

(2) Fees shall be submitted to the E911 Board within 60 days after the end of the month in which the fee was billed, together with a monthly report of the number of service identifiers in each county. The information shall be submitted to the E911 Board at the following address:

State of Florida E911 Board
ATTN: Financial Management Services
Post Office Box 7117
Tallahassee, Florida 32399-0950.

(a) Service providers collecting less than \$50 per month of total fee remittances shall provide monthly reports of the number of service identifiers billed in each county. The reports and the fee remittance are due to the E911 Board on a quarterly basis.

(b) All service providers providing fee remittance for 911 or E911 service disbursements pursuant to Section 365.172(8)(f), F.S., shall provide the following information with the fee remittance. The information shall be provided in the appropriate categories, either the wireless, non-wireless LEC, non-wireless VoIP or non-wireless Specialty categories. This information shall be provided in a form format referred to as a Florida Emergency Communications Number E911 System Remittance Report. The form shall include:

1. Service provider's name and address: Contact person: Contact Phone Number: E-mail Address;

2. Date remittance report;

3. Service collection period;

4. Itemization of fee remittance revenue per county, including:

a. County; (if the county information is not available, the remittance should include a statement from the service provider that the county location information is not available).

b. Total Subscribers; each provider shall report the number of service identifiers for subscribers, or access lines billed based on the county;

c. Gross Fees Collected Unit cost of each item;

d. 1% Provider Allowance;

e. Adjustment;

f. Billing Adjustment;

g. Uncollected;

h. Comment or description of any adjustment or other pertinent notation; and

i. Net fees Collected.

5. Remittance Check Amount, Check Date, and Check Number; and

6. The following certification shall be a part of the form: These amounts are submitted in compliance with Florida Statutes 365.172, 365.173 and 365.174, along with ordinances definitions held within. Under penalties of perjury, I declare that I have verified the foregoing and the amounts alleged are true, to the best of my knowledge and belief.

(c) In lieu of submitting a signed Florida Emergency Communications Number E911 System Remittance Report, it can be electronically transmitted to the E911 Board's e-mail address: E911 BoardElectronicRemittanceReports@dms.myflorida.com.

(d) Third party companies submitting fee remittances on behalf of wireless and non-wireless service providers shall provide a contact person, address, contact phone number and e-mail address on fee remittance information to respond to all E911 Staff inquiries about the fee remittance.

(3) The service providers shall provide their company contact person, address, contact phone number and e-mail address on fee remittance information to explain any irregularities noticed in the monthly fee remittance submittals. In the event of multiple irregularities or failures to submit the fee remittances in a timely manner, the providers representative shall be prepared to attend the E911 Board meeting, either in person or via teleconference, to explain these issues at the monthly E911 Board meeting.

(4) Service providers that fail to collect or deliver collected E911 fee revenue and remittance information within the 60 day submission time frame shall be subject to collection costs required to obtain the fee revenue and lost interest revenue, calculated in accordance with Section 55.03, F.S., on the unpaid E911 fee revenues due. The one percent provider allowance shall be applied to offset the total amount of

collection costs and lost interest due to the E911 Board, and the service provider shall be obligated to the E911 Board for any remaining balance due.

(5) A service provider may request relief from the monetary obligations resulting from its noncompliance by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The service provider’s representative shall be required to appear, either in person or via teleconference, at the next ensuing E911 Board meeting to present its position and answer any questions from the E911 Board. The E911 Board, in the exercise of its powers enumerated in Section 365.172(5) and (6), F.S., shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174, F.S., and particularly Section 365.172(8), F.S.

Rulemaking Authority 365.172(6)(a)11., 365.172(8) FS. Law Implemented 365.172(8) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
E911 Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.003
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify language concerning the granting of credit for continuing education.

SUMMARY: Language concerning the granting of credit for continuing education will be clarified.

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

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: 475.614 FS.
LAW IMPLEMENTED: 475.613, 475.618, 475.628 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: Thomas O’Bryant, Jr., Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) through (2) No change.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. ~~Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of Board prescribed course instruction.~~

(a) through (7) No change.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Board approved appraisal courses. Credit shall only be granted on a one-time basis per renewal cycle for teaching a particular appraisal course and shall be limited to 50% of the required classroom hours for that renewal cycle. Credit shall be awarded on an hour for hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Rulemaking Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History–New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06, 12-4-06, 12-6-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2010

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.012
 RULE TITLE: Equivalency for Prelicensing Education

PURPOSE AND EFFECT: To delete redundant language and clarify existing language.

SUMMARY: This rule deletes redundant language and clarifies existing language.

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

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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.012 Equivalency for Prelicensing Education.

(1) No change.

(2) Any person who has obtained a 4-year degree with a major in real estate from an accredited institution of higher education which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to Section 475.451, F.S., showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Rulemaking Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97, 1-18-00, 4-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-14.008
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To clarify and update language.

SUMMARY: This rule clarifies and updates language.

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

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: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.008 Definitions.

(1) through (2)(a) No change.

(b) When a deposit is placed or to be placed with a title company or an attorney, the licensee who prepared or presented the sales contract (“Licensee”), shall indicate on that contract the name, address, and telephone number of such title company or attorney. Within ten (10) three (3) business days after each deposit is due under the sales contract, the Licensee’s broker shall make written request to the title company or attorney to provide written verification of receipt of the deposit, unless the deposit is held by a title company or by an attorney nominated in writing by a seller or seller’s agent. Within ten (10) business days of the date the Licensee’s broker made the written request for verification of the deposit, the Licensee’s broker shall provide Seller’s broker with either a copy of the written verification, or, if no verification is received by Licensee’s broker, written notice that Licensee’s

broker did not receive verification of the deposit. If Seller is not represented by a broker, then Licensee’s broker shall notify the Seller directly in the same manner indicated herein.

(3) No change.

Rulemaking Specific Authority 475.05, 475.25(1)(k) FS. Law Implemented 475.25(1)(k) FS. History–New 1-1-80, Formerly 21V-14.08, Amended 10-13-88, 12-29-91, 7-20-93, Formerly 21V-14.008, Amended 7-5-95, 7-4-06, 12-6-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-730.030	Identification of Hazardous Waste
62-730.160	Standards Applicable to Generators of Hazardous Waste

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments incorporate by reference certain changes made by the U.S. Environmental Protection Agency (EPA) between July 1, 2008 and June 30, 2009 to the federal hazardous waste regulations. The Florida Department of Environmental Protection (FDEP) is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, at least once a year FDEP incorporates federal rule changes into Chapter 62-730, F.A.C., the state hazardous waste rule.

RULEMAKING AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.704, 403.72, 403.721 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Julie Rainey, Hazardous Waste Regulation Section, Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or julie.c.rainey@dep.state.fl.us

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE

PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

62-730.030 Identification of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 261 revised as of July 1, 2008, and all appendices, and the amendments to 40 CFR Part 261 as published in the Federal Register dated December 1, 2008 (73 FR 72912), with the exceptions described in paragraphs (1)(a) through (d) of this section.

(a) through (d) No change.

(2) though (4) No change.

Rulemaking Authority 403.72, 403.721, 403.8055 FS. Law Implemented 403.72, 403.721 FS. History–New 5-28-81, Amended 9-8-81, 12-6-81, 3-4-82, 11-25-82, 5-19-83, 1-5-84, 8-24-84, 12-18-84, 7-5-85, 10-3-85, Formerly 17-30.03, Amended 5-5-86, 8-25-86, 9-19-86, 10-31-86, 3-31-87, 4-13-88, Formerly 17-30.030, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.030, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,_____.

62-730.160 Standards Applicable to Generators of Hazardous Waste.

(1) The Department adopts by reference 40 CFR Part 262 revised as of July 1, 2009 ~~July 1, 2008~~, including the Appendix, with the exception of 40 CFR 262.34(e) and the Project XL site-specific regulations in 262.10(j) and Subparts I and J.

(2) through (7) No change.

Rulemaking Authority 403.704, 403.721, 403.8055 FS. Law Implemented 403.704, 403.72, 403.721 FS. History–New 5-19-82, Amended 5-20-82, 3-31-83, 1-5-84, 2-2-84, 8-24-84, 7-5-85, 10-3-85, Formerly 17-30.16, Amended 9-19-86, 10-31-86, 3-31-87, 5-26-87, 6-28-88, Formerly 17-30.160, Amended 1-25-89, 8-13-90, 9-10-91, 10-14-92, 10-7-93, Formerly 17-730.160, Amended 1-5-95, 9-7-95, 4-30-97, 8-19-98, 2-4-00, 12-20-00, 8-1-02, 10-1-04, 1-29-06, 4-6-06, 5-1-07, 4-25-08, 5-8-09,_____.

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.010	Scope
63G-1.011	Definitions
63G-1.012	Determining Residence
63G-1.013	Calculating Estimated Funding
63G-1.014	Fiscally Constrained Counties
63G-1.015	Receipt of Payment
63G-1.016	Monthly Reporting
63G-1.017	Monthly / Annual Reconciliation and Dispute Resolution
63G-1.018	Billing

PURPOSE AND EFFECT: The new rule sections replace repealed Rules 63G-1.001-.009, F.A.C., governing the process by which the funding of secure detention services is shared by state and county government. Additional definitions are provided, monthly reporting and reconciliation are added, and the method of calculating estimated funding is revised.

SUMMARY: The rule sections significantly revise the implementation of detention cost-sharing. Monthly reporting and reconciliation are provided for, and methodologies for estimating funding have been amended. Definitions are revised.

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: 985.686(10) FS.

LAW IMPLEMENTED: 985.686 FS.

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

DATE AND TIME: Wednesday, May 12, 2010, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63G-1.010 Scope.

This rule establishes the process by which the funding of detention services is shared by state and county government.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(1) FS. History–New _____.

63G-1.011 Definitions.

(1) "Funding of detention services" means the funding required to provide detention services as determined by the General Appropriations Act Implementing Bill and/or General Bills.

(2) "Commitment" means the final court disposition of a juvenile delinquency charge through an order placing a youth in the custody of the department for placement in a residential or non-residential program. Commitment to the department is in lieu of a disposition of probation.

(3) "Shared County/State Juvenile Detention Trust Fund" means the state trust fund used to capture budget and costs associated with the counties' share of detention funding.

(4) "Fiscally constrained county" means a county within a rural area of critical economic concern as designated by the Governor pursuant to Section 288.0656, F.S., or each county for which the value of a mil will raise no more than \$5 million in revenue, based on the school taxable value certified pursuant to Section 1011.62(4)(a)1.a., F.S., from the previous July, which is not required to pay the full costs of its resident juveniles' detention services.

(5) "Juvenile Probation Officer" (JPO) means the primary case manager for the purpose of managing, coordinating, and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision.

(6) "Juvenile Justice Information System" (JJIS) means the department's electronic information system used to gather and store information on youth having contact with the department.

(7) "County of Residence" means the county where, at the time of referral, a child resides, as determined by a department intake officer pursuant to Rule 63G-1.012, F.A.C., and entered in the Juvenile Justice Information System, except for those youth described in subsection 63G-1.012(2), F.A.C., below.

(8) "Pre-commitment" means those days a youth is detained in a detention center prior to being committed to the department.

(9) "Reconciliation period" means the first through the last day of a month during which reconciliation by the county and the department for the previous month's utilization takes place.

(10) "Secure detention" means a physically state owned and operated restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(11) "Service day" means any day or portion of a day spent by a youth in secure detention.

(12) "Utilization" means a summary of service days.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686 FS. History–New _____.

63G-1.012 Determining Residence.

(1) Department of Juvenile Justice (DJJ) JPOs and contracted providers responsible for intake shall utilize the following procedure to determine a referred child's county of residence:

(a) The address provided by the child at intake will initially be checked against the address included in the arrest affidavit and against any existing address for the child already in the JJIS.

(b) In all cases, an effort will be made to verify the address with the child's parent or guardian.

(c) All attempts to contact the parent or guardian, and the results of those attempts, will be noted in the chronological record in the child's case file.

(2) County of residence for children in substitute care placements, such as foster care, will be where the dependency case originated for the youth. Street address information recorded in the JJIS will be that of the Department of Children and Family Services or its contracted agency district office or service center for confidentiality purposes.

(3) Address verification procedures are to be included in the annual refresher training on the JJIS given to departmental JPOs and its contracted providers responsible for intake.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5) FS. History—New _____.

63G-1.013 Calculating Estimated Funding.

(1) Estimates for each county's individual portion of detention funding will be calculated as follows:

(a) All youth served in secure detention during the most recently reconciled previous fiscal year as reflected in the JJIS will be identified;

(b) The total number of pre-commitment service days in secure detention is computed by including all days up to but not including the date of commitment to the department.

(2) The total number of pre-commitment service days for each county from the most recently reconciled previous fiscal year utilization data will be divided by the total pre-commitment service days for all counties for that same time period to arrive at each county's percentage of the total.

(3) Each county's percentage will be multiplied by the total estimated annual appropriation in the shared county/state juvenile detention trust fund for the upcoming fiscal year to determine each county's share of the total budget.

(4) The estimated share of the total budget will be billed to the counties in monthly installments.

(5) Invoices are to be mailed at the beginning of the month prior to the service period, so that an invoice for the August service period will be mailed in July.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(3) FS. History—New _____.

63G-1.014 Fiscally Constrained Counties.

(1) Each fiscally constrained county's estimated share of detention budget is determined in the same manner as those for non-fiscally constrained counties.

(2) For informational purposes, fiscally constrained counties will be invoiced for their estimated monthly share even though they will not be required to remit payment.

(3) Prior to the beginning of each fiscal year the total estimated budget needed for all fiscally constrained counties will be compared to the amount appropriated in General Revenue to the department for fiscally constrained counties. If the total estimated annual amount for utilization exceeds the appropriated amount, matching funds will be required to make

up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) Each fiscally constrained county's utilization will be compared to the total for all fiscally constrained counties to determine a percentage of the total.

(b) The county's percentage will be multiplied by the shortfall amount computed in subsection (3) above to determine the individual county's amount due.

(4) The department shall determine whether an estimated shortfall is likely by July 31. If a shortfall is expected, the department shall provide fiscally constrained counties information on their share of the expected shortfall on or before August 15.

(5) Fiscally constrained counties will be billed for their share of the shortfall in equal monthly installments beginning November 1 through May 1.

(6) If after the annual reconciliation is complete it is found that there was in fact no shortfall or that the shortfall was overestimated, the fiscally constrained counties will receive a refund. If the shortfall was underestimated, the department may seek matching funds from the counties to make up the difference.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(4) FS. History—New _____.

63G-1.015 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the monthly service period, such that the July service period payment is due July 1.

(2) Payment will be deemed in arrears on the second day of the month the payment is due.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5)-(6) FS. History—New _____.

63G-1.016 Monthly Reporting.

(1) Each month, the department shall generate a web based on-line utilization report that provides each county's actual usage for the previous service month. The report is to be used by the counties to validate utilization.

(2) The report shall contain the following information:

(a) Youth's name;

(b) Youth's address at the time of the referral;

(c) Sex;

(d) Date of birth;

(e) Name of parent or guardian, if available;

(f) Phone contact, if available;

(g) Charge category;

(h) Admission date;

(i) Commitment disposition date, if available; and

(g) Number of detention days.

(3) The report will be available electronically on the first day of each month for the previous month's utilization.

(4) The limited release of juvenile identifying information contained in each county's monthly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(7) FS. History–New _____.

63G-1.017 Monthly/Annual Reconciliation and Dispute Resolution.

(1) On the first day of each month, the department shall make available to each county a utilization report described in Rule 63G-1.016, F.A.C.

(2) The county shall have from the first to the fourteenth day of the month to review the on-line utilization information reported for the previous month. If the county takes issue with any of the utilization data, it shall mark the record for dispute on-line and provide a reason for the dispute. Disputes involving a detained youth's county of residence or disposition must include one or more of the following indicia of specificity:

- (a) Address invalid – not in county;
- (b) Address invalid – street number not valid;
- (c) Address invalid – not residence of youth;
- (d) Address invalid – see text (must enter text);
- (e) Detention stay invalid – see text (must enter text).

(3) The department will make every effort to review all disputes for the previous month between the fifteenth and twenty-fourth day of each month for the reconciliation period. The department's response, provided on-line, constitutes notice of final action. Any pending disputes not resolved by the department within 60 days after the end of the monthly reconciliation period will be considered the responsibility of the state and not the county.

(4) In October of each year, the department will perform an annual reconciliation of utilization and costs for the prior fiscal year. Based on a county's actual utilization, a recalculation of that county's share of the shared county/state juvenile detention trust fund expenditures will be performed.

(5) In November of each year, the department will provide each county an annual reconciliation statement for the previous fiscal year. The statement shall reflect the difference between the amount paid by the county based on the estimated utilization and the actual utilization reconciled in subsection (4) above.

(6) If the total amount paid by a county falls short of the amount owed based on actual utilization, the county will be invoiced for that additional amount. The amount due will be applied to the county's account. An invoice will accompany the reconciliation statement, and shall be payable on or before March 1. If the amount paid by a county exceeds the amount

owed based on actual utilization, the county will receive a credit. The credit will be applied to the county's account and be included on the invoice sent in November.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5)-(7) FS. History–New _____.

63G-1.018 Billing.

(1) The monthly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Invoices will include the following information:

- (a) Invoice date;
- (b) Invoice number;
- (c) Remittance address;
- (d) Payment due date;
- (e) Billing Service period;
- (f) Total amount billed; and
- (g) Department contact information.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5)-(7) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Davis, Director of Program Accountability
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Peterman, Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-3.003
RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for examination for licensure.

SUMMARY: The requirements for examination for licensure will be clarified.

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

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: 456.017, 491.004(5) FS.
LAW IMPLEMENTED: 456.017, 491.005 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

~~(1) An applicant for examination for licensure must apply to the Department no later than 120 days and submit supporting documentation necessary to determine eligibility no later than 90 days prior to the examination date, otherwise the applicant shall be scheduled for the next available examination. The application and examination fee must accompany the application.~~

~~(1)(2)~~ An applicant who has completed all requirements for the examination and has been certified eligible by the board will be admitted to the examination for licensure.

~~(2)(3)~~ THEORY AND PRACTICE.

(a) CLINICAL SOCIAL WORKERS.

‡ The theory and practice examination for clinical social workers shall be the Clinical Level objective multiple choice examination developed by the Association of Social Work Boards (ASWB). The minimum passing score is the recommended cut-off score provided by the national vendor established according to a standard-setting method. ~~Candidates' raw scores are converted to a scaled score. The passing score is a scaled score of 75.~~

~~2. An applicant for licensure as a clinical social worker is not required to take the theory and practice Part II of subparagraph 64B4 3.003(3)(a)1., F.A.C., of the licensure examination if the following conditions are met:~~

~~a. The applicant has taken within the last five years the national Clinical Level objective multiple choice ASWB examination; and~~

~~b. The applicant earned the national passing score on the Clinical Level objective multiple choice ASWB examination.~~

(b) MENTAL HEALTH COUNSELORS.

The National Clinical Mental Health Counseling Examination (NCMHCE) shall be a clinical simulation examination developed by the National Board for Certified Counselors (NBCC). All options are given a weight based upon the level of appropriateness for good client care. The minimum pass level shall be the recommended cut-off score provided by the NBCC and established according to a content-based modified Angoff procedure.

(c) MARRIAGE AND FAMILY THERAPISTS.

‡ The marital and family therapy examination shall be an objective multiple choice examination developed by the Examination Advisory Committee of the Association of

Marital and Family Therapy Regulatory Board (AMFTRB) and the Professional Examination Service. All items will be weighted equally in scoring the examination. The minimum passing score is the recommended cut-off score provided by the national vendor and established according to the Angoff procedure.

~~2. An applicant for licensure as a marriage and family therapist is not required to take the theory and practice of paragraph 64B4 3.003(3)(e), F.A.C., of the licensure examination if the following conditions are met:~~

~~a. The applicant has taken within the last five years the national examination developed by AMFTRB; and~~

~~b. The applicant earned the national passing score on the examination developed by the AMFTRB.~~

Rulemaking Specific Authority 456.017, 491.004(5) FS. Law Implemented 456.017, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99, 1-11-00, 7-2-00, 8-24-00, 10-15-02, 7-8-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-4.005 RULE TITLE: Biennial Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the biennial licensure fee.

SUMMARY: The biennial licensure fee will be reduced.

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

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: 456.025(1), 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.025(1), 491.007(1) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be \$125 ~~\$150~~ each.

~~Rulemaking Specific~~ Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History–New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, 9-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-12.002	Definitions
5M-12.004	Plan Development and Revision
5M-12.006	BMP Record Keeping

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. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

5M-12.001 No change.

5M-12.002 Definitions.

(1) “Conservation plan” means a record of the decisions and supporting information for treatment of a unit of land or water, approved by USDA/NRCS or certified by a Technical Service Provider, which meets the requirements of Rule 5M-12.004, F.A.C.

(2) through (4) No change.

(5) “Notice of Intent” means a form provided by the Department to be submitted by the producer to enroll in BMPs.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History–New _____.

5M-12.003 No change.

5M-12.004 Plan Development and Revision.

(1) The conservation plan shall be developed in accordance with the USDA/NRCS National Planning Procedures Handbook Amendment 4, December 2006 (hereby adopted and incorporated by reference), and shall be consistent with quality criteria for soil, water quality, and water quantity contained in Florida’s Quality Criteria, Section III (A), of the USDA/NRCS Field Office Technical Guide (FOTG), April 2005 (hereby adopted and incorporated by reference). These documents may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.floridaagwaterpolicy.com/bestmanagementpractices.html> <http://www.nrcs.usda.gov/Technical/efotg/>.

(2) The conservation plan shall include identify:

(a) As listed in Section III B of the FOTG, March 2005 (hereby adopted and incorporated by reference), all the essential conservation practices for the identified land uses on the operation, and the applicable facilitating conservation practices that support quality criteria for soil, water quality, and water quantity contained in Section III A of the USDA/NRCS FOTG, April 2005. Section III B of the FOTG, March 2005, may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.nrcs.usda.gov/Technical/efotg/> or <http://www.floridaagwaterpolicy.com/bestmanagementpractices.html>.

(b) A completed copy of the BMP checklist ~~All applicable BMPs~~ contained in each manual adopted by the Department under Title 5M, F.A.C., that is applicable ~~adopted manuals relevant to the operation. The producer shall complete and include in the plan the BMP checklists from the relevant manuals;~~

(c) The schedule of operations and activities needed to address all identified soil and water quality and water quantity issues, which provides for implementing:

1. As soon as practicable within one year after submitting the ~~of~~ Notice of Intent (NOI) submittal, the applicable non-structural nutrient and irrigation management practices.

2. As soon as practicable within two years after submitting the ~~of~~ NOI submittal, the remaining applicable practices, except for practices that require more time to implement, as specified in the plan.

(d) All applicable record-keeping requirements, including the relevant requirements in Rule 5M-12.006, F.A.C.; and

(e) The date of plan completion or revision.