

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF EDUCATION****State Board of Education**

RULE NO.: RULE TITLE:

6A-6.0251 Use of Epinephrine Auto-Injectors

PURPOSE AND EFFECT: The purpose and effect of this rule development is to address self-administration of medication by students enrolled in the public school system.

SUBJECT AREA TO BE ADDRESSED: Follow-up comments from the Rule Development Workshop that was held on September 28, 2010, regarding the self-administration of pancreatic enzyme medication by students with cystic fibrosis, as well as self-management and care of students with diabetes, and the use of inhalers by students with asthma.

RULEMAKING AUTHORITY: 1002.20(3) FS.

LAW IMPLEMENTED: 1002.20(3) FS.

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

DATE AND TIME: December 14, 2010, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959; Code: 5863745134.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399; (850)245-0475. To comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-601.800 Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to change form DC6-229, which improperly states in its instructions section that the form should be kept for a week (rather than 30 days) for certain confinement inmates prior to being sent to classification for review.

SUBJECT AREA TO BE ADDRESSED: Close Management.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator; ~~Office of Research, Planning and Support Services, Department of Corrections,~~ 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) Form DC6-229, Daily Record of Special Housing, effective date ~~4-27-08~~, _____.

(f) through (k) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, _____.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

WATER MANAGEMENT DISTRICTS**Southwest Florida Water Management District**

RULE NO.: RULE TITLE:

40D-1.659 Forms and Instructions

PURPOSE AND EFFECT: To incorporate by reference the revised Facilitating Agricultural Resource Management Systems (FARMS) Program Funding Application Form, FORM LEG_R.22.022 (8/10), to request information for projects that reduce frost/freeze protection withdrawals. Rules implementing the District's FARMS Program under Chapter 40D-26, F.A.C., are being amended concurrently with this rule to allow funding assistance for these types of projects.

SUBJECT AREA TO BE ADDRESSED: Forms and Instructions.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC# 2010040)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: In January 2010, farmers in the Dover/Plant City area pumped large quantities of groundwater to protect their crops. This combined pumping dropped the aquifer level 60 feet and caused more than 750 temporarily dry wells for neighboring homeowners. Pumping groundwater for freeze protection is a best management practice for strawberry, citrus, and other industries and is authorized by water use permits. However, the farmers were responsible for fixing hundreds of the dry wells. Amendments to Chapter 40D-1, F.A.C., are being made as part of a rulemaking package, which will also include amendments to Chapters 40D-2, 40D-8, and 40D-80, F.A.C., to prevent a similar situation. Particularly, amendments to Chapter 40D-1, F.A.C., will add new forms and list updated forms as it relates to water use permitting in the Dover/Plant City Water Use Caution Area being proposed in companion proposed amendments to Chapter 40D-2, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Updating and adding water use permitting forms and instructions for use by applicants requesting withdrawals of frost/freeze quantities affecting the aquifer within the proposed Dover/Plant City Water Use Caution Area

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.083, 373.0831(3), 373.083(5), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS.

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.331	Modification of Permits
40D-2.381	Standard Permit Conditions
40D-2.801	Water Use Caution Areas

PURPOSE AND EFFECT: In January 2010, farmers in the Dover/Plant City area pumped large quantities of groundwater to protect their crops. This combined pumping dropped the aquifer level 60 feet and caused more than 750 temporarily dry wells for neighboring homeowners. Pumping groundwater for freeze protection is a best management practice for strawberry, citrus, and other industries and is authorized by water use permits. However, the farmers were responsible for fixing hundreds of the dry wells. Amendments to Chapter 40D-2, F.A.C., are being made as part of a rulemaking package, which will also include amendments to Chapters 40D-1, 40D-8, and 40D-80, F.A.C., to prevent a similar situation. Amendments to Chapter 40D-8, F.A.C., will establish a minimum aquifer level. The District has determined that the actual levels are below the proposed minimum aquifer level. As required by Section 373.0421, F.S., amendments to Chapter 40D-80, F.A.C., will establish a minimum aquifer level recovery strategy for the Dover/Plant City area. This will be accomplished by the proposed water use permitting rule amendments to Chapter 40D-2, F.A.C., included in the rulemaking package. Particularly, amendments to Chapter 40D-2, F.A.C., will establish a Water Use Caution area in the Dover/Plant City area and will establish associated water use permitting requirements to limit groundwater pumpage for frost/freeze protection in the area. Additionally, the amendments will revise and update District water use forms to be used in that area.

SUBJECT AREA TO BE ADDRESSED: Water use permitting requirements for frost/freeze groundwater withdrawals for the proposed Dover/Plant City Water Use Caution Area to implement the minimum level recovery strategy for the WUCA. The recovery strategy is to achieve the proposed minimum aquifer level for the Water Use Caution Area.

Additionally, the amendments will add, revise and update District water use forms to be used in that Water Use Caution Area.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0363, 373.079(4)(a), 373.083(5), 373.0831, 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.1963, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.244, 373.250, 403.0877 FS.

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

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.626	Minimum Aquifer Levels

PURPOSE AND EFFECT: In January 2010, farmers in the Dover/Plant City area pumped large quantities of groundwater to protect their crops. This combined pumping dropped the aquifer level 60 feet and caused more than 750 temporarily dry wells for neighboring homeowners. Pumping groundwater for freeze protection is a best management practice for strawberry, citrus, and other industries and is authorized by water use permits. However, the farmers were responsible for fixing hundreds of the dry wells. Amendments to Chapter 40D-8, Florida Administrative Code are being made as part of a rulemaking package, which will also include amendments to Chapters 40D-1, 40D-2, and 40D-80, F.A.C., to prevent a similar situation. Particularly, amendments to Chapter 40D-8, F.A.C., will establish a Minimum Aquifer Level and Minimum Aquifer Level Protection Zone providing a minimum aquifer elevation for the Dover/Plant city area to prevent significant harm from frost/freeze pumpage.

SUBJECT AREA TO BE ADDRESSED: Minimum Aquifer Levels.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela A. Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010010)

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-26.021	Definitions
40D-26.091	Publications Incorporated by Reference
40D-26.101	Conditions of Eligibility
40D-26.201	Program Application
40D-26.401	Cost-Share Rates

PURPOSE AND EFFECT: To modify the Facilitating Agricultural Resource Management Systems (FARMS) Program eligibility requirements to allow funding assistance for projects that reduce frost/freeze protection withdrawals; to establish cost-share rates for these projects; to incorporate by reference the revised FARMS Program Funding Application Form to request information concerning these projects; and to incorporate by reference the Model FARMS Economic Update, June 2009, to provide updated estimated costs for implementing proposed projects. The estimated costs included in this publication are used to determine whether proposed projects are eligible for funding. The Model FARMS Economic Update, June 2009, replaces the 2001 Model Farms Cost publication.

SUBJECT AREA TO BE ADDRESSED: Facilitating Agricultural Resource Management Systems Program.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0363(4), 373.083(1), 373.705(3), 373.707(1), 373.707(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela

Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010040)

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WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-80.075	Regulatory Portion of Recovery Strategy for the Dover/Plant City Water Use Caution Area

PURPOSE AND EFFECT: In January 2010, farmers in the Dover/Plant City area pumped large quantities of groundwater to protect their crops. This combined pumping dropped the aquifer level 60 feet and caused more than 750 temporarily dry wells for neighboring homeowners. Pumping groundwater for freeze protection is a best management practice for strawberry, citrus, and other industries and is authorized by water use permits. However, the farmers were responsible for fixing hundreds of the dry wells. Amendments to Chapter 40D-80, Florida Administrative Code are being made as part of a rulemaking package, which will also include amendments to Chapters 40D-1, 40D-2, and 40D-8, F.A.C., to prevent a similar situation. Amendments to Chapter 40D-8, F.A.C., will establish a minimum aquifer level. The District has determined that the actual levels are below the proposed minimum aquifer level. As required by Section 373.0421, F.S., amendments to Chapter 40D-80, F.A.C., will establish a minimum aquifer level recovery strategy for the Dover/Plant City area. This will be accomplished by the proposed water use permitting rule amendments to Chapter 40D-2, F.A.C., that are part of this rulemaking package, and non-regulatory mechanisms including assistance in offsetting ground water withdrawals for frost/freeze protection through the Facilitating Agricultural Resource Management Systems (FARMS) program.

SUBJECT AREA TO BE ADDRESSED: Recovery strategy for the proposed minimum aquifer level for the Dover/Plant City Water Use Caution Area.

RULEMAKING AUTHORITY: 120.54, 373.0421, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.023, 373.036, 373.0395, 373.042, 373.0421, 373.171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Gifford, Certified Legal Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4156 (OGC#2010010)

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

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."

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-157.302	Facility Only Rates
69O-157.303	Home Health Care Only Rates
69O-157.304	Comprehensive Only Rates

PURPOSE AND EFFECT: Rules 69O-157.302, .303, .304, F.A.C., pertaining to Facility Only Rates, Home Health Care Only Rates, and Comprehensive Only Rates, are being amended to publish the new business rates that will be effective for 2011.

SUBJECT AREA TO BE ADDRESSED: Long-Term Care Insurance – New Business Rates for 2011.

RULEMAKING AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.9407(7) FS.

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

DATE AND TIME: November 30, 2010, 1:00 p.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerry Smith, Life and Health Product Review, Office of Insurance Regulation, E-mail Gerry.Smith@flor.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

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 JUVENILE JUSTICE

Division of Administration

RULE NOS.:	RULE TITLES:
63F-10.001	Purpose and Scope
63F-10.002	Definitions
63F-10.003	Requests for Youth Information
63F-10.004	Release of Records by Department
63F-10.005	Record Sharing Agreements with Other Government Agencies
63F-10.006	Confidentiality of Records Released by the Department

PURPOSE AND EFFECT: The rule chapter establishes the process by which the department may make available records in its custody regarding children, and by which the media may have access to youth in department programs.

SUMMARY: The rule chapter addresses the manner in which requests for youth information are received and processed, and the conditions under which various types of youth records are provided to requesting youth, law enforcement, criminal justice agencies, and others authorized to obtain the information. Access to youth records by the media, and direct access to youth in department programs, is also addressed.

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: 985.04, 985.64 FS.

LAW IMPLEMENTED: 984.06, 985.04 FS.

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

DATE AND TIME: Thursday, December 2, 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:

63F-10.001 Purpose and Scope.

This rule establishes the process by which the department may make available records in the custody of the department regarding children. Access of the media to youth records and to youth in department programs is also addressed.

Rulemaking Authority 985.04, 985.64 FS. Law Implemented 984.06, 985.04 FS. History—New

63F-10.002 Definitions.

(1) Active Records: files and records that have not been stored or archived.

(2) Actual Cost of Duplication: the cost of the material and supplies used to duplicate the record, but does not include the labor cost or overhead cost associated with such duplication.

(3) Department Record: records in the custody of the department or one of its contracted delinquency service or program providers.

(4) Duplication Fee: the fee that may be charged for the duplication of the records. The fee shall be 15 cents per copy for duplicated copies no larger than 14" X 8.5". For copies larger than 14" X 8.5", the fee shall be the actual cost of duplicating the requested material. If applicable, this fee shall also include the cost of mailing or shipping the requested material.

(5) Exempt Record: a record in the custody of the department or its contract provider, which is exempt from public inspection and examination pursuant to Florida Statutes.

(6) Exemption: the statutory basis by which the department, or its designees, claim that a record or information contained in that record is exempt from public inspection and examination.

(7) Fee Guidelines: the guidelines that apply to fees charged for records. These guidelines include the following: