

DEPARTMENT OF FINANCIAL SERVICES

Indexing Agency Orders

RULE NO.: 69T-1.001
RULE TITLE: Organizational Structure
PURPOSE AND EFFECT: To set forth changes to the organizational structure of the Office of Financial Regulation to promote efficiency and accountability.
SUBJECT AREA TO BE ADDRESSED: Organizational Structure of the Office of Financial Regulation.
RULEMAKING AUTHORITY: 20.121(3)(b) FS.
LAW IMPLEMENTED: 20.121(3)(b) 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: Bruce Kuhse, General Counsel, (850)410-9601, bruce.kuhse@flofr.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.001
RULE TITLE: Purpose
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.
SUMMARY: This rule is being repealed as unnecessary. Rule 19-7.001 does not meet the definition of “rule” set forth under Section 120.52(16), Florida Statutes. It merely sets forth the overall purpose of Rule Chapter 19-7, F.A.C. There are no other rules incorporating this rule. There is no impact on any other rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
 The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.
 The rule repeal does not meet the statutory threshold for ratification by the legislature.

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: 218.405, 218.412 FS.
LAW IMPLEMENTED: Ch. 218, Part IV FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
DATE AND TIME: March 5, 2012, 9:00 a.m. (ET) to conclusion of meeting
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308
 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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, tel: (850)413-1182; ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.001 Purpose.

Rulemaking Specific Authority 218.405, 218.412 FS. Law Implemented Ch. 218, Part IV FS. History—New 8-24-82, Formerly 19-7.01, Amended 3-26-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCauley
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002
RULE TITLE: Investment Policy Statements
PURPOSE AND EFFECT: The State Board of Administration seeks to amend the rule listed above to adopt the revised Investment Policy Statements for the Local Government

Surplus Funds Trust Fund and the Fund B Surplus Funds Trust Fund, to state the effective date of such statements, and to indicate how these documents may be obtained.

SUMMARY: Rule 19-7.002, F.A.C., is being amended to adopt the revised Investment Policy Statements for the Local Government Surplus Funds Trust Fund and the Fund B Surplus Funds Trust Fund, and to indicate how these documents may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

No Statement of Estimated Regulatory Cost was prepared for the rule. Upon review of the proposed changes to the rule and the incorporated Investment Policy Statements, the State Board of Administration of Florida has determined that the preparation of a Statement of Estimated Regulatory Costs is not necessary and the rule does not meet the statutory threshold for ratification by the legislature. The changes to this rule do not have an adverse impact on small business and do not directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year of implementation. The changes to this rule also do not directly or indirectly have an adverse impact on economic growth, private sector job creation or employment, or private sector investment, business competitiveness or innovation or increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of either 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: 218.412, 218.421(1) FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS.

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

DATE AND TIME: March 5, 2012, 9:00 a.m. (ET) to conclusion of meeting.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General

Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.002 Investment Policy Statements Guidelines.

The Local Government Surplus Funds Trust Fund Investment Pool (Non-Qualified) Investment Policy Statement Guidelines, as approved by the Trustees of the State Board of Administration on June 16, 2011 ~~July 28, 2009~~, and made effective July 1, 2011 ~~2009~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01000>, ~~is~~ are hereby adopted and incorporated by reference. The Fund B Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved by the Trustees of the State Board of Administration on June 16, 2011, and made effective July 1, 2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01001>, is hereby adopted and incorporated by reference. The Investment Policy Statements Guidelines may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Local Government Investment Pool Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading ~~under the Related Websites section.~~ The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Risk Management and Oversight section. The Investment Policy Statement for the Fund B Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Fund B section.

Rulemaking Authority 218.412, 218.421(1) FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS. History--New 12-13-09, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCauley

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 37, No. 44, November 4, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.725
 RULE TITLE: Permissible Items for Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to remove tobacco and tobacco-related products from the list of permissible items and to add a photo identification card and a notarized authorization to the list.

SUMMARY: The proposed rule eliminates reference to tobacco and tobacco products as permissible items for visitors and clarifies that visitors may possess one photo identification card and a notarized authorization to supervise a minor (where applicable).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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, 944.23, 944.47, 944.8031 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: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

~~(a) One unopened pack of cigarettes or cigars and one lighter (bic-type lighters and matches are prohibited); however, smoking materials are not permitted if a designated outside smoking area is not available.~~

~~(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.~~

(c) through (d) renumbered (a) through (b) No change.

(c) One (1) photographic identification card.

~~(d)(e)~~ Prescription medications. The department reserves the right to prohibit individuals from bringing any medication into the facility that may pose a threat to the inmate population or institutional security. Visitor requiring medical injections must leave such items secured in their vehicles and will be allowed to depart the visiting area if an injection is required. Reentry into the visiting area shall be allowed in accordance with Rule 33-601.723 subsection 33-601.723(6), F.A.C. The visitor shall not be allowed to bring needles or syringes into any department facility or dispose of them on the grounds of any department institution or facility under any circumstances.

1. through 3. No change.

(f) through (g) renumbered (e) through (f) No change.

(g) If the visitor is an authorized adult as defined in Rule 33-601.713, F.A.C., one (1) copy of a notarized authorization to supervise a minor.

(h) through (2) No change.

Rulemaking Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04, 3-29-07, 10-8-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy Cannon, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To further the goals of Executive Order 11-211, to reduce regulatory burdens on the citizens of Florida, the District proposes to amend its rules and associated forms to reduce the number of copies applicants are required to submit to one.

SUMMARY: The District proposes to amend Forms 0971, 0972 and 0980 to reduce the number of required copies to one. This rule which lists the forms must be amended to reflect the new effective date of those forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The District has prepared a Statement of Estimated Regulatory Costs reflecting that the proposed rule amendment will have a positive economic affect.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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: 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS.

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

DATE AND TIME: March 15, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

The following forms and instructions are incorporated by reference throughout the District’s rules as specified below and are listed herein for convenience. Copies may be obtained without cost by contacting the South Florida Water

Management District Clerk’s Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436, or (561)682-6436 or online at www.sfwmd.gov.

Form No.	Date	Title
0050A through 0971	0961 12-11	No change. Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, incorporated by reference in paragraph 40E-4.101(1)(b), F.A.C.
0972	12-11	Petition for a Formal Wetland and Surface Water Determination, incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C.
0974 0980	12-11	No change. Notice of Intent to Use a Noticed General Environmental Resource Permit, incorporated by reference in subsection 40E-400.211(2), F.A.C.
1019 through	1318	No change.

Rulemaking Authority 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, 7-4-10, 12-15-11_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Bureau Chief

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.021	Definitions
40E-4.051	Exemptions From Permitting
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.321	Duration of Permits

PURPOSE AND EFFECT: To further the goals of Executive Order 11-211, to reduce regulatory burdens on the citizens of Florida, the District proposes to increase the duration of conceptual permits and reduce the number of copies applicants

are required to submit. Additionally, in accordance with the Executive Order, the District proposes to repeal definitions and exemptions that are duplicative of the Florida Statutes.

SUMMARY: The District proposes to repeal definitions and exemptions duplicative of Florida Statutes, reduce the number of copies applicants are required to submit, and increase the duration of conceptual permits from 2 years to 5.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The District has prepared a Statement of Estimated Regulatory Costs reflecting that the reduction in the number of required copies and increase in the duration of conceptual permits will have a positive economic effect.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The reduction in the number of required copies and increase in the duration of conceptual permits will have a positive economic effect.

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: 373.016, 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.416, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.016, 373.019, 373.117, 373.403-443, 403.031, 403.813(1), 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: March 15, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.021 Definitions.

The definitions set forth in Sections 258.37, 373.019, 373.403, 403.803, and 704.06, F.S., and Rule 40E-1.021, F.A.C., shall apply to ~~When used in~~ this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C. Additionally, as used in these chapters:

(1) No change.

~~(2) "Alter" means to extend a dam or works beyond maintenance in its original condition, including changes which may increase or diminish the flow or storage of surface water which may affect the safety of such dam or works.~~

~~(3) "Appurtenant Works" means any artificial improvements to a dam which might affect the safety of such dam or, when employed, might affect the holding capacity of such dam or of the reservoir or impoundment created by such dam.~~

~~(4) "Aquatic Preserve" means an exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing condition, as authorized by Chapter 258, F.S.~~

~~(2)(5) No change.~~

~~(6) "Conservation Easement" means a right or interest in real property pursuant to Section 704.06, F.S., which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits any or all of the following:~~

~~(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;~~

~~(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;~~

~~(c) Removal or destruction of trees, shrubs, or other vegetation;~~

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas; and

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

(3)(7) No change.

(8) "Dam" means any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

(9) "Department" means the Florida Department of Environmental Protection.

(10) "Drainage Basin" means a subdivision of a watershed.

(11) "Dredging" means excavation, by any means, in surface water or wetlands, as delineated by Section 373.4211, F.S. It also means the excavation, or creation, of a water body which is, or is to be, connected to surface waters or wetlands, as delineated by Section 373.4211, F.S., directly or via an excavated water body or series of water bodies.

(12) "e-Permitting website" means the District's website address for e-Permitting at <http://www.sfwmd.gov/ePermitting>. After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting homepage.

(13) "Electronic filing" means filing or submission of an Environmental Resource, Surface Water Management, Consumptive Use, or Works of the District Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District's e-Permitting website. Electronic filing is governed by the provisions of Chapter 668, F.S. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(14) "Electronic mail" means an electronic or computer file that is transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or

stored for later retrieval. Electronic mail received after 5:00 p.m. shall be deemed received on the next regular business day.

(15) "Electronic record" means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, F.S.

(16) "Electronic signature" means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.

(17) through (20) renumbered (4) through (7) No change.

(21) "Estuary" means a semi enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(22) "Filling" means the deposition, by any means, of materials in surface waters or wetlands, as delineated by Section 373.4211, F.S.

(8)(23) No change.

(24) "Impoundment" means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline.

(25) through (27) renumbered (9) through (11) No change.

(28) "Lagoon" means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

(12)(29) No change.

(30) "Maintenance" or "Repairs" means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance.

(31) through (36) renumbered (13) through (18).

(37) "Stormwater Management System" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

(38) through (42) renumbered (19) through (23).

(43) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

(44) "Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are

classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Rules 62-340.100 through 62-340.550, F.A.C., as ratified by Section 373.4211, F.S.

~~(24)~~(45) No change.

~~(46)~~ “Works” means all artificial structures, including but not limited to ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

Rulemaking Authority 373.044, 373.113, ~~668.003, 668.004, 668.50~~ FS. Law Implemented 373.019, 373.403-443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, 10-1-06, 3-22-09, 11-11-09, 12-1-11, _____.

40E-4.051 Exemptions From Permitting.

The District will exempt from regulation under Section 373, Part IV, F.S., those activities that the District determines will have only minimal or insignificant individual or cumulative adverse impacts on the water resources of the district. Exemptions from permitting under Chapters 40E-4, 40E-40 and 40E-400, F.A.C., are set forth below in addition to those set forth in Sections 373.406 and 403.813, F.S. The performance of activities pursuant to the provisions of the exemptions set forth in this section does not relieve the person or persons who are using the exemption or who are constructing or otherwise implementing the activity from meeting the permitting or performance requirements of other District rules. Nothing in this section shall prohibit the Department of Environment Protection from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this section if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(1) Pipes or Culverts. The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert shall not be changed. However, the material used for the culvert may be

different from the original material. This exemption does not authorize the repair, replacement, or alteration of dam’s spillways or appurtenant works, nor construction activities or procedures that cause violation of water quality standards as set forth in Chapter 62-302 and Rule 62-4.242, F.A.C.

(2) Maintenance of Systems.

(a) The performance of maintenance dredging of existing manmade canals, channels, basins, berths, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into wetlands or other surface waters, provided no more dredging is performed than is necessary to restore the canal, channels, basins, berths, and intake and discharge structures to original design specifications, and provided that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent wetlands or other surface waters. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund, the Department, the District or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal, channel, basin, berth or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

~~(b) The maintenance of functioning insect control structures, and the maintenance of functioning dikes and functioning irrigation and drainage ditches, including roadway drainage ditches, provided:~~

1. The spoil material is deposited on a self contained upland spoil site which will prevent the escape of the spoil material and return water into wetlands or other surface waters.

2. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive as determined by the Department of Health, pursuant to subsection 403.088(1), F.S., that it will inhibit the proposed insect control, existing spoil sites or dikes may be used, upon notification to the District. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as approved, conditionally approved, restricted or conditionally restricted waters for shellfish harvesting by the Department, or functions as a habitat for commercially or recreationally important shellfish or finfish.

3. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

4. This exemption shall apply to manmade trenches dug for the purpose of draining water from the land or for transporting water for use on the land and which are not built for navigational purposes.

(e) Maintenance of minor silvicultural surface water management systems as described in subsection 40E-400.500(4), F.A.C., which were permitted under Part IV of Chapter 373, F.S., or were constructed prior to the requirements for a permit under this part, provided such maintenance is conducted in accordance with the performance standards set forth in subsection 40E-400.500(5), F.A.C.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28. The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(1)(3) No change.

(2)(4) No change.

(a) No change.

(b) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of Chapter 161, F.S.

(e) The construction of seawalls or riprap in wetlands or other surface waters, where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of Chapter 161, F.S. In

estuaries and lagoons, construction of vertical seawalls is limited to the circumstances and purposes stated in Sections 373.414(5)(b)1. 4., F.S.

(3)(5) No change.

(a) The installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters, except in Class I and Class II waters and aquatic preserves, provided that no dredging or filling is necessary.

(b) The replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of wetlands or other surface waters.

(c) through (d) renumbered (a) through (b) No change.

(4)(6) No change.

(a) The replacement or repair of existing open-trestle foot bridges and vehicular bridges that are 100 feet or less in length and two lanes or less in width, provided:

1. No more dredging or filling in wetlands or other surface waters is performed than that necessary to replace or repair pilings;

2. The structure to be replaced or repaired is the same length, the same configuration, and in the same location as the original bridge; and

3. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters.

(b) No change.

(7) through (12) renumbered (5) through (10) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 373.813(1), 403.813(1) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, 4-14-03, 9-9-07, 12-1-11, _____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, effective date _____ December 15, 2011, which incorporates the following forms by reference:

1. Form No. 0972, Petition for a Formal Wetland and Surface Water Determination, _____ December 2011 (referenced in Section 4.5.1) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00066>;

2. through 19. No change.

(b) through (k) No change.

(2) No change.

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, 7-1-10, 7-4-10, 12-15-11.

Amendment to Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District as follows:

4.5.1 Procedure

To petition for a formal determination, the petitioner must submit to the District the following:

(a) One copy ~~Four copies~~ of completed Form No. 0972, Petition for a Formal Wetland and Surface Water Determination, effective date December 15, 2011, incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., including copies of all items required by the form; and

(b) No change.

4.5.2 Types of Formal Determinations

A petitioner can request a formal determination consisting of a certified survey, an approximate delineation, or combinations thereof, as described below.

(a) The survey of the extent of wetlands and other surface waters shall be certified pursuant to chapter 472, F.S., to meet the minimum technical standards in Chapter 61G17-6, F.A.C. A petitioner seeking a certified surveyed delineation shall have a land surveyor registered in the State of Florida survey the verified boundaries of wetlands and other surface waters, and shall have the surveyor or surveyor's representative accompany the District representative on the delineation verification described in subsection 4.5.3. The certified survey shall also contain a legal description of, and acreage contained within, the boundaries of the property for which the determination is sought. The boundaries of wetlands and other surface waters shall be witnessed to the property boundaries, and shall be capable of being mathematically reproduced from the survey. The petitioner shall submit one copy ~~five copies~~ of the survey, along with one copy ~~five copies~~ of the survey depicted on aerial photographs, to the District to complete the petition.

(b) An approximate delineation shall consist of a boundary produced by using global positioning system (GPS), a boundary drawn on rectified aerial photographs, a geo-reference image produced from a boundary drawn on a non-rectified aerial photograph, or any combination thereof.

1. through 2. No change.

3. Following any verification and adjustment as required in subsection 4.5.3, the petitioner shall submit one copy ~~five copies~~ of the following to complete the petition: a hand drawn delineation on a rectified aerial photograph; the geo-referenced

image of the delineation and aerial photograph with the delineation; or the GPS depiction of the delineation on an aerial photograph.

4. No change.

40E-4.101 Content of Permit Applications.

(1) through (a) No change.

(b) If an applicant chooses not to submit an application electronically via the District's ePermitting website at www.sfwmd.gov/ePermitting, ~~one original and one copy~~ ~~four~~ ~~copies~~ of Joint Water Management District/Department of Environmental Protection/U.S. Army Corps of Engineers Environmental Resource Permit Application Form No. 0971 must be submitted as well as one copy ~~and five copies~~ of drawings, calculations, environmental information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed. This information must include at a minimum: flood protection, water quality, environmental impacts, proposed mitigation, water supply, and water conservation elements. Applicants who file an application electronically are not required to submit copies. Form No. 0971, December 2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00065>, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

(2) through (4) No change.

Rulemaking Authority 373.016, 373.044, 373.113, 373.171, 668.003, 373.416, 668.004, 668.50 F.S. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03, 2-12-06, 10-1-06, 12-1-11.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, five ~~two~~ years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of five ~~two~~ years shall expire automatically at the end of the five ~~two~~ year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be five ~~two~~ years from whichever one of the following occurs at the latest date:

- 1. through 4. No change.
- (c) through (e) No change.
- (2) through (3) No change.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for five ~~two~~ years from the date of issuance of the modification. For the purposes of this section, the term “substantial modification” shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

- (5) through (7) No change.

Rulemaking Authority 373.044, 373.113, 668.003, 668.004, 668.50 F.S. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 F.S. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Bureau Chief

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-400.021	Definitions
40E-400.211	Processing Procedures for Noticed General Permits

PURPOSE AND EFFECT: To further the goals of Executive Order 11-211, to reduce regulatory burdens on the citizens of Florida, the District proposes to reduce the number of copies applicants are required to submit. Additionally, in accordance with the Executive Order, the District proposes to repeal definitions duplicative of Florida Statutes.

SUMMARY: The District proposes to repeal definitions duplicative of Florida Statutes to reduce unnecessary rules in accordance with Executive Order 11-211, and to reduce the number of copies applicants are required to submit, thereby reducing burdens on the regulated public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The District has prepared a Statement of Estimated Regulatory Costs reflecting that the reduction in the number of required copies will have a positive economic effect.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The reduction in the number of required copies will have a positive economic effect.

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, 373.171 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: March 15, 2012, 9:00 a.m.

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087, or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anita R. Bain, Environmental Resource Permitting Bureau Chief, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6866, or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.021 Definitions.

The definitions set forth in Sections 258.37, 373.019, 373.403, 403.803, and 704.06, F.S., Rules 40E-1.021 and 40E-4.021, F.A.C., shall apply to this chapter. Additionally, as used in this chapter:

~~(1) "Canal" means a trench, the bottom of which is normally covered by water, with the upper edges of its two sides normally above water.~~

~~(2) "Channel" means a trench, the bottom of which is normally covered entirely by water, with the upper edges of one or both of its sides normally below water.~~

~~(1)(3) No change.~~

~~(4) "Drainage ditch" or "irrigation ditch" means a man-made trench which is dug for the purpose of draining water from the land or for transporting water for use on the land and which is not built for navigational purposes.~~

~~(5) through (6) renumbered (2) through (3) No change.~~

~~(7) "Insect control impoundment dikes" means artificial structures, including earthen berms, constructed and used to impound wetlands or other surface waters for the purpose of insect control.~~

~~(8) through (9) renumbered (4) through (5) No change.~~

~~(10) "Swale" means a man-made trench which:~~

~~(a) Has a top width to depth ratio of the cross-section equal to or greater than 6:1, or side slopes equal to or greater than 3 feet horizontal to 1 foot vertical;~~

~~(b) Contains contiguous areas of standing or flowing water only following a rainfall event;~~

~~(c) Is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and~~

~~(d) Is designed to take into account the soil erodibility, soil percolation, slope, slope length, and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.~~

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03,_____.

40E-400.211 Processing Procedures for Noticed General Permits.

(1) No change.

(2) Any person wishing to construct, operate, maintain, alter, abandon, or remove a surface water management system pursuant to a noticed general permit set forth in this chapter shall provide notice to the District by submitting a complete Notice of Intent to Use a Noticed General Environmental Resource Permit; (Form No. 0980) including the appropriate application fee required in Rule 40E-1.607, F.A.C., to the District at least 30 days prior to undertaking construction,

operation, maintenance, alteration, abandonment, or removal of the system. For the purposes of this subsection, the application form is only considered submitted when it is actually received by the District. Form No. 0980, _____ December 2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00068>, is incorporated by reference herein and is available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406.

(3) through (5) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 10-3-95, Amended 7-2-98, 10-1-06, 12-1-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Environmental Resource Permitting Bureau Chief

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-1.004
 RULE TITLE: General Sanitation and Safety Requirements

PURPOSE AND EFFECT: The proposed rule amendments will reflect changes made to Chapter 509, F.S., by Laws of Florida Chapter 2008-055 and 2011-119 and remove other agency rules from incorporation by reference.

SUMMARY: The proposed rule will remove rules relating to fire safety and update bathroom requirements to conform to the changes made by Laws of Florida Chapter 2008-055; and remove other agency rules incorporated by reference to defer approval and enforcement of water supply, bottled and packaged potable water, sewage disposal, and garbage and rubbish removal to the agencies with jurisdiction. The proposed rule will also replace reference to "resort condominiums" and "resort dwellings" with the term "vacation rental" to conform to the changes made by Chapter 2011-119, Laws of Florida.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 509.032 FS

LAW IMPLEMENTED: 509.032, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)488-1133, E-mail: Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.004 General Sanitation and Safety Requirements.

The following general requirements and standards shall be met by all public lodging and public food service establishments.

(1) Water, plumbing and waste.

(a) Except as specifically provided in these rules, standards for water, plumbing and waste shall be governed by Chapter 5, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. For the purposes of this section, the term "food establishment" as referenced in the Food Code shall apply to all public lodging and public food service establishments as defined in Chapter 509, F.S.

~~(a) The water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., herein adopted by reference, where applicable.~~

~~(b) Bottled and packaged potable water shall be transported and obtained in accordance with the requirements of Title 21, Code of Federal Regulation, Parts 129 and 165, as adopted by the Department of Agriculture and Consumer Services in Rule 5K-4.002, FAC, herein adopted by reference.~~

~~(b)(e) Steam used in contact with food or food-contact surfaces shall be governed by Chapter 3, Food Code, as adopted by reference in Rule 61C-1.001, F.A.C., and free from any materials or additives except as allowed by Chapter 7,~~

~~Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. other than those specified in Title 21, Code of Federal Regulations 173.310, herein adopted by reference.~~

~~(d) Sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., herein adopted by reference, whichever is applicable. Grease interceptors shall be designed and installed in accordance with provisions of Chapter 64E-6, F.A.C., herein adopted by reference, or the plumbing authority having jurisdiction.~~

~~(e) All garbage and rubbish shall be removed from the establishment premises with sufficient frequency to prevent nuisance conditions and shall be disposed of in accordance with provisions of Chapter 62-701, FAC, herein adopted by reference.~~

(2) ~~Public B~~ Bathrooms.

(a) Each public lodging ~~establishment~~ and public food service establishment shall ~~provide at least one~~ ~~be provided with adequate and~~ conveniently located bathroom ~~facility~~ facilities for its employees and guests in accordance with provisions of these rules and ~~as approved by the~~ ~~local building plumbing~~ authority having jurisdiction. Public access to ~~bathroom toilet~~ facilities shall not be permitted through food preparation, storage, or warewashing areas. Bathroom fixtures shall be of readily cleanable sanitary design. Bathroom facilities shall be kept clean, in good repair and free from objectionable odors. Bathrooms shall provide at least 20 foot candles of light. The walls, ceilings and floors of all bathroom ~~facilities~~ shall be kept in good condition.

(b) ~~Bathrooms~~ ~~Public bathrooms~~ shall be completely enclosed and shall have tight-fitting, self-closing doors, ~~except~~ ~~bathrooms located~~ ~~or,~~ in public lodging establishments or ~~bathrooms~~ located outside a public food service establishment, ~~may~~ have entrances and exits constructed in such a manner as to ensure privacy of occupants. ~~Bathroom~~ ~~Such~~ doors shall not be left open except during cleaning or maintenance.

(c) through (d) No change.

(e) ~~Resort condominiums,~~ ~~Nontransient~~ establishments and ~~vacation rentals~~ ~~resort dwellings~~ are exempt from the provisions of this subsection.

(3) Vermin Control – Effective control measures shall be taken to protect against the entrance into the establishment, and the breeding or presence on the premises of rodents, flies, roaches and other vermin. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All windows used for ventilation must be screened, except when effective means of vermin control are used. Screening material shall not be less than 16 mesh to the inch or equivalent, tight-fitting and free of breaks. ~~Pesticides~~ ~~Insecticides~~ ~~or~~ ~~rodenticides~~, when used, shall be used in compliance with Chapter ~~7,~~ Food Code, ~~as adopted by reference in Rule 61C-1.001~~ ~~5E-14,~~ F.A.C., ~~herein adopted by reference.~~

(4) No change.

~~(5) All fire safety, protection and prevention equipment must be installed, approved, maintained and used in accordance with Chapter 509, F.S., and the National Fire Protection Association Life Safety Code Chapter 101, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., herein adopted by reference.~~

~~(5)(6) All building structural components, attachments and fixtures shall be kept in good repair, clean and free of obstructions.~~

~~(6)(7) Attics, basements, boiler rooms, meter rooms, laundry rooms, and storage rooms shall be kept clean and free of debris and flammables.~~

~~(8) Flammable materials inside an establishment shall be stored in approved type containers (maximum size 5 gallons) and in such a manner as to prevent a fire hazard.~~

~~(9) Fire safety equipment:~~

~~(a) Fire Extinguisher Installation—Fire extinguishers shall be installed in accordance with NFPA 10, Standard for Portable Fire Extinguishers, herein adopted by reference.~~

~~(b) A standard state approved service tag shall be attached to each extinguisher and a person holding a valid state permit issued by the State Fire Marshal shall recharge or inspect the extinguisher and shall prepare the tag to include the information required by Rule 69A-21.241, F.A.C., herein adopted by reference.~~

~~(c) Fire Hose Maintenance—Inspections shall be made every 6 months to assure that the hose is in proper position on the racks and that all of the equipment is in place and in good condition. The hose shall be removed and re-racked at least annually and new gaskets installed in the couplings, both at the hose valves and at the nozzles if necessary. Where couplings are polished, care should be taken to see that polish used does not touch fabric of hose.~~

~~(7)(d) Carbon dioxide and helium tanks shall be adequately secured so as to preclude any danger to safety.~~

~~(8)(e) Specialized Smoke Detectors – Specialized smoke detectors for the deaf and hearing-impaired shall be made available upon request by guests in transient public lodging establishments without charge. Failure of the operator to inform any employee charged with registering guests of the location of such detector constitutes failure to make such detectors available.~~

~~(9)(10) Means of access must permit unobstructed travel at all times and be maintained free of obstructions and fire hazards. Halls, entrances and stairways shall be clean, ventilated and well-lighted day and night. Hall and stair runners shall be kept in good condition. Railways Hand rails shall be installed on all stairways and guard rails around all~~

porches and steps. Adequate means of exit shall be provided pursuant to NFPA 101. Exits shall be clearly marked with approved illuminated exit signs.

~~(11) Electrical wiring—To prevent fire or injury, defective electrical wiring shall be replaced and wiring shall be kept in good repair. No extension cords shall be used except during cleaning, maintenance and other temporary activities. Only a wall switch or approved pull cord shall be permitted in bathrooms. In accordance with the provisions of NFPA 70, the National Electrical Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C., sufficient electrical outlets shall be provided.~~

~~(10)(12) Heating and ventilation – The heating and ventilation system shall be kept in good repair or be installed to maintain a minimum of 68 degrees Fahrenheit throughout the building. The insurance inspector’s boiler report is required annually for power boilers and high pressure/high temperature boilers and biannually for low pressure steam or vapor heating boilers and shall be posted in the boiler room. The provisions of this section do not apply to the common areas of vacation rentals classified as resort condominiums.~~

~~(13) Gas appliances—All appliances, including water heaters using gas, shall be kept in good repair and properly vented when manufacturers’ instructions require venting of the appliance and shall meet the following requirements:~~

~~(a) All appliances shall have a nationally recognized testing laboratory seal such as AGA or UL seal.~~

~~(b) Heating appliances shall be properly sized in BTU input for room air space. Proper sizing of heating appliances shall be determined in accordance with the provisions of NFPA 54, the National Fuel Gas Code, as adopted by the Division of State Fire Marshal in Chapter 69A-3, F.A.C.~~

Rulemaking Specific Authority 509.032 FS. Law Implemented 509.032, 509.215, 509.221 FS. History—Amended 2-20-64, 7-14-67, 2-8-69, Revised 2-4-71, Amended 2-17-73, Repromulgated 12-18-74, Amended 9-19-84, Formerly 7C-1.04, Amended 12-31-90, 2-11-92, 2-27-92, 6-15-92, Formerly 7C-1.004, Amended 3-31-94, 10-9-95, 9-25-96, 5-11-98, 7-2-98, 2-24-08, 8-12-08, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill L. Veach, Director, Division of Hotels and Restaurants,
Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ken Lawson, Secretary, Department of
Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 16, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLE:S
61C-5.0012	Electrolysis Protection for Underground Hydraulic Elevator Cylinders
61C-5.004	Bulletin Boards
61C-5.009	Venting of Hoistways, Minimum Requirements
61C-5.011	Alterations to Electric and Hydraulic Elevators and Escalators

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal the rules. The subject matter of these rules is included in Chapter 30 of the Florida Building Code. The Bureau of Elevator Safety enforces Chapter 30 of the Florida Building Code, so these rules are not necessary. Repeal will not change the division’s ability to enforce these elevator safety requirements through the Florida Building Code.

SUMMARY: Repeal rules relating to electrolysis protection for underground hydraulic elevator cylinders, bulletin boards in elevators, venting elevator hoistways, and alterations to electric and hydraulic elevators and escalators.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: N/A

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted 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: 399.10 FS.

LAW IMPLEMENTED: 399.02 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants,

Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; Michelle.Comingore@dbpr.state.fl.us; (850)488-1133

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.0012 Electrolysis Protection for Underground Hydraulic Elevator Cylinders.

Rulemaking Specific Authority 399.10 FS. Law Implemented 399.02 FS. History–New 9-10-89, Formerly 7C-5.0012, Amended 4-2-08 Repealed.

61C-5.004 Bulletin Boards.

Rulemaking Specific Authority 399.10 FS. Law Implemented 399.02 FS. History–New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94, 10-4-00, 4-2-08 Repealed.

61C-5.009 Venting of Hoistways, Minimum Requirements.

Rulemaking Specific Authority 399.10 FS. Law Implemented 399.02 FS. History–New 7-12-83, Formerly 7C-5.09, Amended 11-1-87, 10-31-88, Formerly 7C-5.009, Amended 2-2-94, 4-2-08 Repealed.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

Rulemaking Specific Authority 399.10 FS. Law Implemented 399.02 FS. History–New 2-11-92, Formerly 7C-5.011, Amended 8-1-96, 10-4-00, 4-2-08 Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Not applicable.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Beaches and Coastal Systems**

RULE NO.:	RULE TITLE:
62B-54.002	Determination of Fines

PURPOSE AND EFFECT: To delete the second sentence of subsection 62B-54.002(2), F.A.C., that states multi-day fines will not be assessed for minor impacts.

SUMMARY: The Bureau proposes amendment of subsection 62B-54.002(2), F.A.C., in order to address comments from the Joint Administrative Procedures Committee. The rule amendment will remove the statement that multi-day fines will not be assessed for minor impacts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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: 161.052, 161.053, 161.054 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.054 FS.

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

DATE AND TIME: March 7, 2012, 9:00 a.m.

PLACE: Bureau of Beaches and Coastal Systems, Training Room, 4708 Capital Circle N.W., Tallahassee, Florida 32303

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: Rosaline Beckham, (850)488-7815, rosaline.beckham@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Martinello, (850)245-7708, james.martinello@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62B-54.002 Determination of Fines.

(1) No change.

(2) Each day during any portion of which a violation occurs or continues to occur hereunder constitutes a separate offense. Multi-day fines will compound beginning on the date of receipt of the Department's warning notice. ~~Multi-day fines will not be assessed for minor impacts.~~

(3) No change.

Rulemaking Specific Authority 161.052, 161.053, 161.054 FS. Law Implemented 161.052, 161.053, 161.054 FS. History--New 3-20-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gene Chalecki, Acting Bureau Chief

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel Vinyard, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.001
RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule to include a limited license for osteopathic physicians and to implement chapter 2011-95, Laws of Florida, regarding area of critical need temporary certificates.

SUMMARY: The amendment is to include the biennial renewal date for osteopathic physician limited licenses, which inadvertently had been left out of the rule because not the same as medical doctor limited licenses. Also, to pay respect to the technical name change given to the pre-existing temporary certificates to practice in areas of critical need for both medical and osteopathic physicians.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1.2. and 3., F.S.

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: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635, 456.077 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.001 Biennial Licensing.

(1) through (3) No change.

(4) The schedule for biennial license renewal for each respective profession shall be as follows:

EVEN YEARS	ODD YEARS
Acupuncturists	February 28
Athletic Trainers	September 30
Certified Master Social Workers	March 31
Certified Nursing Assistants (Group I)	December 31
Certified Nursing Assistants (Group II)	December 31 <u>May 31</u>
Chiropractic Physicians & Assistants	March 31
Clinical Laboratory Personnel	August 31
Clinical Social Workers	March 31
Consultant Pharmacists	December 31 <u>May 31</u>
Dental Hygienists	February 28
Dental Laboratories	February 28
Dentists	February 28
Dentists – Health Access	February 28
Dietitians/Nutritionists	May 31
Dispensing Opticians	December 31
Electrologists	May 31
Electrolysis Facilities	May 31
Hearing Aid Specialists	February 28
Marriage & Family Therapists	March 31
Massage Therapists	August 31
Massage Establishments	August 31
Medical Doctors (Group I)	January 31
Medical Doctors (Group II)	January 31
Medical Doctors – Public	
Psychiatry/Health Certificate	January 31
Medical Doctors – Limited License	January 31
Medical Doctors – <u>Rear Admiral LeRoy Collins, Jr. Temporary Certificate for Practice in Areas of Critical Need</u>	January 31
Medical Physicists	January 31
Mental Health Counselors	March 31
Midwives	December 31
Naturopathic Physicians	September 30
Nuclear Pharmacists	February 28
Nurses	
Group I: Registered & Advanced	April 30

Registered Nurse Practitioners	
Group II: Registered & Advanced Registered Nurse Practitioners	July 31
Group III: Registered & Advanced Registered Nurse Practitioners	April 30
Licensed Practical Nurses	July 31
Nursing Home Administrators	September 30
Occupational Therapists & Assistants	February 28
Optometrists	February 28
Optometrist Branch Offices	February 28
Orthotists & Prosthetists	November 30
Osteopathic Physicians	March 31
<u>Osteopathic Physicians – Limited License</u>	<u>March 31</u>
<u>Osteopathic Physicians – Rear Admiral LeRoy Collins, Jr. Temporary Certificate for Practice in Areas of Critical Need</u>	<u>March 31</u>
Pharmacies	February 28
Pharmacists	September 30
Pharmacy Technicians	December 31
Physical Therapists & Assistants	November 30
Physician Assistants	January 31
Podiatric Physicians	March 31
Psychologists	May 31
Respiratory Care Practitioners	May 31
Respiratory Therapists	May 31
School Psychologists	November 30
Speech Language Pathologists/Audiologists & Assistants	December 31

EXTENSION OF BIENNIAL LICENSURE PERIODS – When a current biennial licensure period for a profession is extended for a period longer than two years to conform to the above schedule of biennial periods, the biennial licensure fee for the profession shall be increased pro-rata to cover the additional extended period. The increased licensure fee shall be based on the biennial licensure fee established by the board. The amended licensure period and the pro-rated renewal fee shall be implemented for the purpose of restructuring the Department’s renewal schedule.

(5) No change.

Rulemaking Authority 456.004(1) FS. Law Implemented 456.004(1), 456.013, 456.036(5), 456.039, 456.0391, 456.0635, 456.077 FS. History–New 11-5-00, Amended 11-24-05, 11-8-07, 7-30-08, 7-19-09, 11-8-09, 8-2-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer Jr., M.D., Ph.D., FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005
 RULE TITLE: Continuing Education for Biennial Renewal

PURPOSE AND EFFECT: The Board is required to periodically review the information it has gathered with regard to the five most misdiagnosed conditions and revise its rule regarding continuing education to address the five most misdiagnosed conditions.

SUMMARY: The proposed rule sets forth the continuing medical education with regard to the five most misdiagnosed conditions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013(6), (7), 456.031(4), 456.033, 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (b) No change.

(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. While wrong site/wrong procedure surgery continues to be the most common basis for quality of care violations, the following areas have been determined as the five most mis-diagnosed conditions: cancer; neurological conditions ~~cardiac~~; acute abdomen related conditions; timely diagnosis of surgical complications; diagnosis of and failing to identify pregnancy related conditions ~~or stage of pregnancy before beginning treatment or surgery~~.

(2) through (10) No change.

Rulemaking Authority 456.013(6), (7), 456.031(4), 456.033, 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 456.033, 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05, 4-25-06, 12-26-06, 1-16-08, 5-6-08, 11-25-08, 7-6-09, 2-23-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 13, 2012

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.014
 RULE TITLE: Continuous Sobriety

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B9-8.014, F.A.C.

SUMMARY: This rule is being repealed.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.008(1)(c), 464.018(1)(j) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-8.014 Continuous Sobriety.

Rulemaking Specific Authority 464.006 FS. Law Implemented 464.008(1)(c), 464.018(1)(j) FS. History--New 6-11-97, Formerly 59S-8.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-20.028
 RULE TITLE: Florida Bright Futures Scholarship Program

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

Rule 6A-20.028(5)(d) and (6)(a) was incorrectly printed. The rule should have read:

6A-20.028 Florida Bright Futures Scholarship Program.
 (5) Renewing Academic Criteria.

(d) Academic eligibility criteria for a restored award shall be evaluated at the end of the summer or second semester/third quarter each academic year thereafter.

1. For the student who graduated high school in 2008-09 or earlier, an award may be restored for the student with insufficient GPA and insufficient hours. The student must submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.019, F.A.C., by May 30 of the year the student is seeking funding. A student may earn and be funded in an eligible restored status one time only. In addition to applying for restoration, the student is responsible for ensuring submission of verification from the last institution attended as a degree- or certificate-seeking student. The institutional cumulative GPA and hours earned, as defined in subparagraph (5)(b) of this rule, as reported by the last institution attended, will determine the student's eligibility to be restored based on the minimum academic program renewal requirements.

2. For the student who graduated high school in 2009-10 and thereafter, the award may be restored for the student with insufficient GPA after the first year of funding only. The student must submit Form FFAA-1, Florida Financial Aid Application for Students, as incorporated by reference in Rule 6A-20.019, F.A.C., by May 30 of the year the student is seeking funding. A student may earn and be funded in an eligible restored status one time only. In addition to applying for restoration, the student is responsible for ensuring submission of verification from the last institution attended as a degree- or certificate-seeking student. The institutional cumulative GPA, as defined in subparagraph (5)(b) of this rule, as reported by the last institution attended, will determine the student's eligibility to be restored based on the minimum academic program renewal requirements.