

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-4.0041
 RULE TITLE: Disposition of Seed Contaminated with Noxious Weed Seed

PURPOSE AND EFFECT: The purpose of this rulemaking is to revise the reference for the Department’s form DACS-13248, Release Notice Form, (Rev. 08/10), which was recently updated and to incorporate by reference DACS-13233, Stop Sale, Stop Use, or Hold Order, (Rev. 02/09), and DACS-13249, Authorization for Movement of Goods Under Stop Sale Order, (Rev. 08/10), which were not previously adopted by Department rule. The effect of this rulemaking will be to bring the adopted forms into compliance with Section 120.55(1)(a)4., Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Forms utilized for issuing and releasing stop sale, stop use, or hold orders and the form utilized for issuing an authorization for movement of goods under a stop sale order for seed, feed, fertilizer, and pesticides.

RULEMAKING AUTHORITY: 570.07(23), 576.181, 578.11(2), 580.036(2) FS.

LAW IMPLEMENTED: 487.101, 576.111, 578.11(3), 578.12, 580.111 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: Mr. Bruce Nicely, Chief of Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building 8, Tallahassee, Florida 32399, (850)617-7850

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

STATE BOARD OF ADMINISTRATION

RULE NOS.: 19-11.001, 19-11.002
 RULE TITLES: Procedures Regarding Employer Contributions, Beneficiary Designation for FRS Investment Plan

19-11.003 Distributions from FRS Investment Plan Accounts
 19-11.004 Excessive Trading in the FRS Investment Plan
 19-11.005 FRS Investment Plan Complaint Procedures
 19-11.006 Enrollment Procedures for New Hires
 19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs
 19-11.008 Forfeitures
 19-11.009 Reemployment with an FRS-covered Employer after Retirement
 19-11.010 FRS Investment Plan: Privacy
 19-11.011 Employer and Employee Contributions
 19-11.012 Acceptance of Rollovers by the FRS Investment Plan

PURPOSE AND EFFECT: To amend Rule 19-11.001, F.A.C., to include all pertinent definitions contained in Rule Chapters 19-11, 19-12 and 19-13, F.A.C., and to update such information. To amend Rule 19-11.002, F.A.C., to set forth information on distributions to beneficiaries currently set forth in Rule 19-11.003, F.A.C., to clarify, update, and detail such information; and to set forth the requirements for distributions to minors when the amount will be in excess of \$15,000. To amend Rule 19-11.003, F.A.C. to update information on invalid distributions, and to remove information on distributions to beneficiaries that is more appropriately set forth in Rule 19-11.002, F.A.C. To amend Rule 19-11.004, F.A.C. to update information concerning excessive trading and to adopt the latest version of the paper trading form. To amend Rule 19-11.005, F.A.C. to update information concerning complaint procedures. To amend Rules 19-11.006, F.A.C. and Rule 19-11.007, F.A.C., to adopt the latest versions of the enrollment forms and second election enrollment forms and to remove unnecessary provisions in the rules, as such information is fully set forth in the adopted applicable forms. To amend Rule 19-11.008, F.A.C., to clarify information concerning forfeitures and to add information to indicate that a beneficiary who unlawfully and intentionally kills or procures the death of a member forfeits all rights to the member’s benefits. To amend Rule 19-11.009, F.A.C., to clarify information on reemployment with an FRS-covered employer after retirement; to add provisions stating that a retiree reemployed in a regularly-established position on or after July 1, 2010 is not eligible to renew membership in the FRS; and to adopt the latest version of the employer certification form. To amend Rule 19-11.010, F.A.C., to simplify provisions concerning the privacy of member information and to specify how another person may be authorized by the member to receive member information. To create new Rule 19-11.011,

F.A.C. to consolidate contributions provisions currently in Rules 19-11.001, 19-12.003 and 19-12.004, F.A.C., and add information pertaining to employee contributions. To create new Rule 19-11.012, F.A.C., to set forth information about rollovers currently set forth in Rule 19-12.007, F.A.C., in anticipation of the repeal of Chapter 19-12, F.A.C., and to update and clarify such information.

SUBJECT AREA TO BE ADDRESSED: To update and clarify information in all of the rules; to consolidate definitional provisions currently scattered in several rules contained in several different rule chapters; to remove unnecessary and redundant rule provisions; and to adopt updated forms. There are no other rules incorporating any of these proposed rules.

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 119.071, 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (9), (10), (13),(14), (15), (20), 121.591, 121.71, 121.72, 121.74, 121.77, 121.78, 215.44(8)(b), 732.802, 744.301, 1012.875(3) 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: Monday, April 9, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 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., Tallahassee, Florida 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

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

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.: 40A-6.011
RULE TITLES: Policy and Purpose

40A-6.101 Content of Application
40A-6.301 Conditions for Issuance of Permits
40A-6.321 Duration of Permits
40A-6.331 Revocation and Modification of Permits
40A-6.351 Transfer of Permits
40A-6.411 Completion Reports
40A-6.481 Remedial and Emergency Measures
40A-6.901 Forms and Instructions

PURPOSE AND EFFECT: The overall purpose of the proposed rule development is to clarify existing rule language. The majority of the anticipated changes will address concerns expressed by the Joint Administrative Procedures Committee that the use of the word “may” could be construed as a granting of unbridled discretion to the Governing Board or the Executive Director. The effect of the proposed amendments will be to clarify, simplify, and reduce rule language, where possible to do so without compromising the District’s ability to accomplish its core mission functions.

SUBJECT AREA TO BE ADDRESSED: Regulation of “Works of the District” projects.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.418, 373.171, 373.418 FS.

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.087, 373.103, 373.139, 373.116, 373.413, 373.416, 373.419, 373.423, 373.426, 373.429, 373.436, 373.439 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: Lance Laird, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.003
RULE TITLE: Medicaid Providers Who Bill on the UB-04

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.003, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook UB-04, June 2012. The handbook contains policies and instructions related to claims for reimbursement by certain, identified provider types. The policies and instructions are applicable to claims submitted on the UB-04 paper claim form, and to claims submitted electronically. The revisions contemplated

include the following: additional billing instructions specifically for Nursing Facilities, Intermediate Care Facilities, and State Mental Hospitals; updated references for the new Medicaid fiscal agent; and updated prior-authorization requirements for certain diagnostic imaging procedures.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the UB-04.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.003, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 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: Wednesday, April 18, 2012, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Arabella Reeves at the Bureau of Medicaid Services, (850)412-4206. 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 IS: Arabella Reeves, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4206, e-mail: arabella.reeves@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.003 Medicaid Providers Who Bill on the UB-04.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider, who are required by their service-specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper UB-04 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, UB-04, June 2012 ~~July 2008~~, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's Web site Portal at ~~www.http://mymedicaid-florida.com~~. Select Click on Public Information for Providers, then ~~on~~ Provider Support, and then ~~on~~ Provider Handbooks. Paper

copies of the handbook may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7.

(2) The following form that is included in the Florida Medicaid Provider Reimbursement Handbook, UB-04, is incorporated by reference: in Chapter 1, the UB-04 CMS-1450, Approved OMB No. 0938-0997, May 2007, one page double-sided. The form is available from the Medicaid fiscal agent's Provider Contact Center by calling 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 10-2-07, Amended 2-25-09, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.260	Prescribed Pediatric Extended Care Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.260, F.A.C., is to incorporate by reference the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2012. Prescribed Pediatric Extended Care (PPEC) centers provide medical, nursing, and personal care to those children who are medically complex and require such services. This handbook is for Medicaid enrolled and potential Medicaid enrolled PPEC providers in the State of Florida. The handbook revises service authorization procedures, which are now handled by a Medicaid contracted Quality Improvement Organization. The language has been updated to include appropriate procedures for Medicaid reimbursement for PPEC providers. The handbook clarifies policy and reimbursement rules.

SUBJECT AREA TO BE ADDRESSED: Medicaid Prescribed Pediatric Extended Care Services.

An additional area to be addressed during the workshop will be the potential regulatory impact the amendment to Rule 59G-4.260, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 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: Wednesday, April 11, 2012, 9:00 a.m. – 10:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elaine Grace at the Bureau of Medicaid Services, (850)412-4271. 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: Elaine Grace, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4271, e-mail: elaine.grace@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.260 Prescribed Pediatric Extended Care Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Medicaid program.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, ~~February 2012~~ ~~February 2007~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated in Rule 59G 4.001, F.A.C. The Both handbooks is~~ are available from the Medicaid fiscal agent's Web site website at www.mymedicaid-florida.com ~~http://floridamedicaid.aes-ine.com~~. Select Public information for Providers, then Click on Provider Support, and then on Handbooks. A paper copy Paper copies of the handbooks may be obtained by calling the Provider Contact Center at 1(800)289-7799 and selecting Option 7 Provider Enrollment at (800)377-8216.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96, 2-22-00, 5-11-04, 4-24-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-11.001	Application Deadlines
61-11.002	How to Apply
61-11.004	Certification of Eligibility
61-11.005	Notification of Applicants
61-11.006	Examination Administration
61-11.007	Conduct at Test Site, and Notice of Protection Privileges by and to the Department

61-11.008	Licensure Examination Format and Procedures for Candidates with Disabilities
61-11.010	Grading of Examinations and Grade Notification
61-11.012	Petitioning for a Formal Administrative Hearing and Requesting a Pre-hearing Review
61-11.015	Definition of a National Examination
61-11.017	Candidates' Post Exam Review of Examination Questions, Answers, Papers, Grades and Grading Key
61-11.0175	Petition or a Formal Administrative Hearing and Requesting a Pre-Hearing Review
61-11.018	Translations

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to remove burdensome, unnecessary language, or language that is not statutorily mandated, to clarify technical language, to update reference manuals and other forms used by the Department, and to update the process for applying for, taking, reviewing, and challenging examinations with the Department or contracted vendors, as permitted by Section 455.217, F.S.

SUBJECT AREA TO BE ADDRESSED: Examination applications, examination requirements, contracted vendors, and examination review and challenges, as set forth under Section 455.217, F.S.

RULEMAKING AUTHORITY: 455.203(5), 455.213(1), 455.217(1), 455.229 FS.

LAW IMPLEMENTED: 119.07(3), 120.60, 455.213(1), 455.217(1), 455.217(3), 455.217(6), 455.229 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: R. Kathleen Brown-Blake, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399, (850)488-0062

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.:	RULE TITLE:
64B20-2.005	Examination

PURPOSE AND EFFECT: Board proposes the rule amendment to revise language to regarding the Praxis exam.

SUBJECT AREA TO BE ADDRESSED: To update language regarding requirements for the Praxis exam.

RULEMAKING AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 456.017(1)(c), 468.1175 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: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.: 64B23-6.001 RULE TITLE: Penalty Guidelines

PURPOSE AND EFFECT: To change guidelines to comport with letter from the Joint Administrative Procedures Committee of the Legislature.

SUBJECT AREA TO BE ADDRESSED: Penalty Guidelines.

RULEMAKING AUTHORITY: 456.079(1), 483.901(6)(g) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(g) 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 Deterding, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.201 RULE TITLE: Criteria for Hardship Extensions to Assistance Time Limitations

PURPOSE AND EFFECT: The proposed rule amends the Hardship Extension Review, CF-ES 2082, and incorporates it by reference, and adds reference to the ACCESS Florida Web Application, CF-ES 2353, as a way to apply for Temporary

Cash Assistance. Included in this proposed rule amendment are wording changes to improve the overall content of the rule and technical changes of a non-substantive nature.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language, amends a form and adds reference to the Web Application.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105 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: April 11, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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 7 days before the workshop/meeting by contacting: Cindy Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)717-4113, cindy_keil@dcf.state.fl.us

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.010 RULE TITLE: General Regulations Relating to Licenses, Permits and Other Authorizations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to move the text of Rule 68A-5.004 to Rule 68-1.010, F.A.C., in order to clarify that the subject matter addressed in the rule applies to Title 68, F.A.C. The text will be edited for clarity, but the purpose and effect of the rules are the same.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const., 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.408 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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.006 RULE TITLE: Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation in Rule 68A-9.006 from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const., 379.1025 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.408 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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-16.001 RULE TITLE: Migratory Birds; Adoption of Federal Statutes and Regulations

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation in Rule 68A-16.001 from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.,

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.,

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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters
68A-23.012	Special Regulations on Lake Okeechobee
68A-23.015	Regulations Governing the Taking and Possession of Freshwater Mussels

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Chapter 68A-23 from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.004	Regulations Governing the Operation of Alligator Farms
68A-25.032	Regulations Governing the Establishment of Alligator Management Programs
68A-25.042	Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Chapter 68A-25 from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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: Bud Vielhauer, General Counsel, 620 S. Meridian Street, Tallahassee, Florida 32399

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-34.005	Bonefish Tournaments, Exemptions

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Rule 68B-34.005 from Rule 68A-5.004, F.A.C. to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE NOS.:	RULE TITLES:
68E-1.004	General Permit Application Procedures, Requirements and Expiration
68E-1.005	Suspension, Revocation and Penalties

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to change the citation(s) in Chapter 68E-1 from Rule 68A-5.004 to Rule 68-1.010, F.A.C., in accordance with the proposed rule change.

SUBJECT AREA TO BE ADDRESSED: License issuance and revocation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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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FISH AND WILDLIFE CONSERVATION COMMISSION

Aquatic Plants

RULE NOS.:	RULE TITLES:
68F-54.001	Program Criteria and Standards
68F-54.003	Definitions
68F-54.0035	Waters Eligible and Eligibility Criteria for Aquatic Plant Management Funds
68F-54.005	Approval, Allocation, and Disbursement Procedures for Aquatic Plant Management Funds

PURPOSE AND EFFECT: The purpose and effect of this rule amendment effort is to clarify that the program operates as a cost reimbursement program; eliminate unnecessary definitions; and to modify which water bodies are eligible for aquatic plant management funding.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include program funding mechanism, rule definitions, and waters eligible for funding.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 369.20, 369.22, 403.088 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: April 17, 2012, 6:30 p.m. – 8:30 p.m. and April 18, 2012, 6:00 p.m. – 8:00 p.m.

PLACE: University of Florida/IFAS Osceola County Extension Office, 1921 Kissimmee Valley Lane, Kissimmee, FL 34744 (April 17) and Ocala Public Library, 2720 E. Silver Springs Blvd., Ocala, FL 34470 (April 18).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Pinzino, Legal Office, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764, or email anthony.pinzino@myfwc.com. Preliminary text may be obtained from the following website: <http://myfwc.com/media/2095334/AquaticPlantMngmntFunding68F-54.pdf>.

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

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101
RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: The current rule has unnecessary and redundant language in it that is difficult to understand. The purpose and effect of the proposed rule is to strike the redundant language and provide clarity to the rule.

SUMMARY: The proposed rule strikes language that is unnecessary and redundant.

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 rule change only affects the internal operations of the Department and clarifies the language of a rule. It would not have an impact on small business or the private sector; thus, the rule is not expected to require legislative ratification.

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, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281 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 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.101 Incentive Gain Time.

(1) through (6) No change.

(7) Educational achievement incentive gain time. Upon notification by the education supervisor or regional education program administrator of a recommendation by the Bureau of Institutional Programs, the department shall apply a one time award of 60 additional days of incentive gain time to an inmate who is otherwise eligible and who has successfully completed requirements for and is awarded a general education development certificate or vocational certificate. In order to be eligible for the gain time award, the general education development certificate or vocational certificate must be issued by the Florida Department of Education or the program issuing the certificate must be approved by the Bureau of Institutional Programs in advance of the inmate's enrollment. Inmates assigned to community facilities who earn a general education development certificate or vocational certificate in an on site educational program operated by an outside vendor or provider (state community college, vocational technical center or private institution) who is approved in advance by the Bureau