

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09422
 RULE TITLE: Florida Comprehensive Assessment Test and End-of-Course Assessment Requirements

PURPOSE AND EFFECT: The purpose of this rule development is to include the science and mathematics scale scores for each achievement level for use in reporting student proficiency levels in science and mathematics as part of the student achievement testing programs known as the Florida Comprehensive Assessment Test 2.0 (FCAT 2.0) Science, Geometry End-of-Course Assessment, and Biology 1 End-of-Course Assessment. In addition, with the elimination of FCAT Reading, the rule will be amended to include an equivalent passing score on the Grade 10 FCAT 2.0 Reading.

SUBJECT AREA TO BE ADDRESSED: FCAT 2.0 Science, Grade 10 FCAT 2.0 Reading, Geometry End-of-Course Assessment, and Biology 1 End-of-Course Assessment.

RULEMAKING AUTHORITY: 1008.22(13) FS.

LAW IMPLEMENTED: 1008.22, 1008.25, 1008.34 FS.

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

DATES AND TIMES: October 15, 2012, 4:30 p.m. – 6:00 p.m.; October 16, 2012, 3:00 p.m. – 4:30 p.m.; October 18, 2012, 4:30 p.m. – 6:00 p.m.

PLACE: October 15th – Jefferson High School, Auditorium, 4401 West Cypress St., Tampa, FL 33607; October 16th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399; October 18th – Winona Webb Jordan Board Chambers, Fulton-Holland Education Center, 3300 Forest Hill Blvd., West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon Koon, Assistant Deputy Commissioner, Office of Assessment, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513. To submit a comment on this rule development, go to <https://app1.fldoe.org/rules/default.aspx>

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

PURPOSE AND EFFECT: The purpose of this rule development is to review whether Florida should extend the provision to limit any annual declines in individual school grades to a one-letter-grade drop, delay the implementation of the adequate progress target for learning gains of the low 25%, and delay the implementation of the grading scale adjustment that would occur if 75% of schools of one type received an “A” or “B” grade. Revisions may also include changes to the high school graduation rate measures needed for the ESEA waiver.

SUBJECT AREA TO BE ADDRESSED: School grades transition measures.

RULEMAKING AUTHORITY: 1008.34 FS.

LAW IMPLEMENTED: 1008.34 FS.

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

DATES AND TIMES: October 15, 2012, 3:00 p.m. – 4:30 p.m., October 16, 2012, 4:30 p.m. – 6:00 p.m.; October 18, 2012, 3:00 p.m. – 4:30 p.m.

PLACE: October 15th – Jefferson High School, Auditorium, 4401 West Cypress St., Tampa, FL 33607; October 16th – Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399; October 18th – Winona Webb Jordan Board Chambers, Fulton-Holland Education Center, 3300 Forest Hill Blvd., West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ed Croft, Director, Accountability Reporting, Accountability Research and Measurement, 325 West Gaines Street, Room 1401, Tallahassee, FL 32399, Ed.Croft@fldoe.org. You may submit comments on the Department website at <https://app1.fldoe.org/rules/default.aspx>

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

ADMINISTRATION COMMISSION

RULE NO.: 28-101.001
 RULE TITLE: Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to amend rule language to conform to present technology with respect to providing e-mail addresses and to conform to statutory change.

SUBJECT AREA TO BE ADDRESSED: Statement of Agency Organization and Operation.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-101.001 Statement of Agency Organization and Operation.

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

(2) The Statement of Agency Organization and Operation shall:

(a) through (c) No change.

(d) Identify the agency clerk by name, position, address, e-mail address, and telephone number; and set out his or her duties and responsibilities.

(e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

~~1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.~~

~~2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the agency as a result.~~

~~3. That the filing date for a document transmitted by electronic mail or by facsimile shall be the date the agency receives the complete document. Any document received by the office of the agency clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.~~

(f) Identify the name, ~~and address,~~ and e-mail address of the appropriate contact person for obtaining information about variances from or waivers of agency rules, and indicate how to file a petition for variance or waiver.

(g) No change.

(h) Set forth where and how agency index of final orders can be accessed.

(3) The agency clerk head shall provide a copy of its Statement of Agency Organization and Operation to any person upon request.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History--New 4-1-97, Amended 1-15-07, 12-24-07,_____.

ADMINISTRATION COMMISSION

RULE NOS.:

RULE TITLES:

28-102.001

Notice of Public Meeting, Hearing, or Workshop

28-102.002

Agenda of Meetings, Hearings, and Workshops

28-102.003

Emergency Meetings

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to amend rule language to conform to statutory changes regarding materials required to be posted on an agency's website and to conform to statutory language relating to matters posing an immediate danger to the public health, safety or welfare.

SUBJECT AREA TO BE ADDRESSED: Agenda and Scheduling of Meetings and Workshops.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)1., 120.525 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-102.001 Notice of Public Meeting, Hearing, or Workshop.

(1) Except where otherwise provided, the agency shall give at least seven days notice of any public meeting, hearing, or workshop by publication in the Florida Administrative Weekly and on agency's website ~~Provisions regarding notices of rulemaking hearings are found in Rule 28-103.001, F.A.C. Provisions regarding notices of hearings in proceedings for determining substantial interests are found in Rules 28-106.208 and 28-106.302, F.A.C.~~

(2) No change.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5)(b)1. FS. History--New 4-1-97, Amended 1-15-07,_____.

28-102.002 Agenda for Meetings, Hearings, or Workshops.

(1) through (2) No change.

(3) The agenda and any meeting materials available in electronic form shall be published on the agency's website. Confidential and exempt information need not be published.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.525 FS. History--New 4-1-97, Amended.

28-102.003 Emergency Meetings.

(1) An agency may hold an emergency meeting notwithstanding the provisions of Rules 28-102.001 and 28-102.002, F.A.C., for the purpose of acting upon emergency matters posing an immediate danger to affecting the public health, safety or welfare.

(2) through (3) No change.

Rulemaking Specific Authority 14.202, 120.54(5) FS. Law Implemented 120.525, 120.54(5)(b)1. FS. History--New 4-1-97, Amended 1-15-07, _____.

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-104.002	Petition for Variance or Waiver
28-104.003	Comments on Petition
28-104.005	Time for Consideration of Emergency Petition
28-104.006	Request for Information

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to amend rule language to conform to present technology with respect to providing e-mail addresses and clarify rule provisions.

SUBJECT AREA TO BE ADDRESSED: Variance or Waiver.

RULEMAKING AUTHORITY: 14.202, 120.54(5)(b)8., 120.542(5) FS.

LAW IMPLEMENTED: 120.542(4), 120.542(5)(b)8. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Weighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-104.002 Petition for Variance or Waiver.

(1) No change.

(2) The petition must include the following information:

(a) No change.

(b) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner, if the party is not represented by an attorney or a qualified representative;

(c) The name, address, e-mail address, telephone number, and any facsimile number of the attorney or qualified representative of the petitioner, (if any);

(d) through (i) No change.

(3) through (4) No change.

Rulemaking Specific Authority 14.202, 120.542(5) FS. Law Implemented 120.542(5)(b)8. FS. History--New 4-1-97, Amended 3-18-98, _____.

28-104.003 Comments on Petition.

(1) Any interested person or other agency may submit written comments on the petition for a variance or waiver within 14 days after the notice required by Section 120.542(6), F.S. The agency shall state in any order disposing of the petition whether comments were received by the agency.

(2) through (3) No change.

Rulemaking Specific Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History--New 4-1-97, Amended.

28-104.005 Time for Consideration of Emergency Petition.

~~(1) The agency shall grant or deny a petition for emergency variance or waiver within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.~~

(1)(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any notice under this subsection shall inform interested persons of the right to submit comments. Interested persons or other agencies may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

(2) The agency shall grant or deny a petition for emergency variance or waiver or determine that the request is not an emergency within 30 days of its receipt by the agency. If such petition is not granted or denied within this time limit, the petition shall be deemed approved unless the time limit is waived by the petitioner.

(3) If the agency decides that the situation is not an emergency, the agency shall so notify the petitioner in writing, and the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.

(4) through (5) No change.

Rulemaking Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.54(5)(b)8. FS. History--New 4-1-97, Amended 1-15-07, 12-24-07, _____.

28-104.006 Request for Information.

(1) No change.

(2) In its response to a request for information, the agency shall indicate the name, address, and e-mail address of the appropriate contact person for additional information and shall indicate how a petition for variance or waiver is filed with the agency.

Rulemaking ~~Specific~~ Authority 14.202, 120.54(5)(b)8. FS. Law Implemented 120.542(4) FS. History--New 4-1-97, Amended _____.

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-105.002	The Petition
28-105.0024	Notice of Filing
28-105.0027	Intervention
28-105.004	Notice of Disposition

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses; add uniformity to proceedings by requiring that intervention be by motion rather than petition, which provides the procedural framework attendant to motions; and to reduce the allegations required for intervention from those required for petition which initiates the proceeding.

SUBJECT AREA TO BE ADDRESSED: Declaratory Statements.

RULEMAKING AUTHORITY: 14.202, 120.54(5)(b)6., 120.542(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)6., 120.565 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-105.002 The Petition.

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

(1) No change.

(2) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner.

(3) The name, address, any e-mail address, telephone number, and any facsimile number of the petitioner's attorney or qualified representative (if any).

(4) through (7) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.565 FS. History--New 4-1-97, Amended 3-18-98, 1-15-07, _____.

28-105.0024 Notice of Filing.

The agency shall file a notice of the Petition for Declaratory Statement in the next available Florida Administrative Weekly including the following information:

(1) The name of the agency with which whom the Petition for Declaratory Statement is filed.

(2) through (4) No change.

(5) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(6) The applicable time limit for filing motions to intervene or petitions for administrative hearing by persons whose substantial interests may be affected.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History--New 1-15-07, Amended _____.

28-105.0027 Intervention.

(1) Persons other than the original parties to a pending proceeding whose substantial interests will be affected by the disposition of the declaratory statement and who desire to become parties may move the presiding officer for leave to intervene. The presiding officer shall allow for intervention of persons meeting the requirements for intervention of ~~this r~~ Rule 28-106.205, F.A.C. Except for good cause shown, motions ~~Petitions~~ for leave to intervene must be filed within 21 days after publication of (or such later time as is specified in) the notice in the Florida Administrative Weekly at least 10 days before the final hearing. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(2) The motion to intervene shall contain the following information:

(a) The name and address of the intervenor and, if the intervenor is not represented, the e-mail address and facsimile number, if any; and

(b) The name, address, e-mail address, telephone number, and any facsimile number of the intervenor's attorney or qualified representative; and

(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the declaratory statement; and

(d) The signature of the intervenor or intervenor’s attorney or qualified representative; and

(e) The date.

(3) Any party may, within seven days of service of the motion, file a response in opposition.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History–New 1-15-07, Amended.

28-105.004 Notice of Disposition.

The agency shall file a Notice of Disposition for the Declaratory Statement or denial of the petition in the next available issue of the Florida Administrative Weekly including the following information:

(1) through (2) No change.

(3) The agency, contact person, ~~and~~ address, and e-mail address where a copy of the petition and final order may be obtained.

(4) No change.

Rulemaking Authority 14.202, 120.54(5)(b)6. FS. Law Implemented 120.54(5)(b)6. FS. History–New 1-15-07, Amended.

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-106.104	Filing
28-106.105	Appearances
28-106.106	Who May Appear; Criteria for Qualified Representatives
28-106.201	Initiation of Proceedings
28-106.2015	Agency Enforcement and Disciplinary Actions
28-106.204	Motions
28-106.205	Intervention
28-106.213	Evidence
28-106.214	Preserving Testimony
28-106.217	Exceptions and Responses
28-106.301	Initiation of Proceedings
28-106.303	Motions
28-106.306	Preserving Testimony
28-106.402	Contents of Request for Mediation
28-106.404	Contents of Agreement to Mediate

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule chapter language to clarify the filing date of documents; to ensure parties have correct contact information as to other parties; to reduce the costs to all parties by requiring documents be filed only once; to clarify when representative must be qualified; conform to present technology with respect to e-mail address; to clarify

when a reply is permitted; to clarify when a motion to dismiss must be filed; to conform to statutory changes; to add uniformity to proceedings by requiring that intervention be by motion rather than petition, which provides the procedural framework attendant to motions; to reduce allegations required for intervention from those required for a petition which initiates the proceeding; to clarify applicable statutory sections; to provide for a procedure for obtaining official recognition; to establish a procedure for the use of interpreters and translators; and to delete obsolete requirement that court reporters be certified.

SUBJECT AREA TO BE ADDRESSED: Decisions Determining Substantial Interests.

RULEMAKING AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(a), 120.54(2)(c), 120.54(2)(d), 120.54(3)(a), 120.54(3)(c), 120.54(3)(c)2., 120.54(5), 120.54(7), 120.525 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-106.104 Filing.

(1) No change.

(2) All pleadings filed with the agency shall contain the following:

(a) through (c) No change.

(d) The name, address, any e-mail address, and telephone number of the person filing the pleading;

(e) through (f) No change.

(3) Any document received by the office of the agency clerk ~~before~~ after 5:00 p.m. shall be filed as of that day but any document received after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day.

(4) No change.

(5) All parties, if they are not represented, or their attorneys or qualified representatives shall promptly notify all other parties and the presiding officer of any changes to their contract information by filing a notice of the change.

~~(6)(5)~~ All papers filed shall be titled to indicate clearly the subject matter of the paper and the party requesting relief.

~~(7)(6)~~ All original pleadings shall be on white paper measuring 8 1/2 by 11 inches, with margins of no less than one inch. Originals shall be printed or typewritten.

(7) ~~If an agency allows documents to be filed by electronic mail or facsimile transmission, the following paragraphs apply:~~

~~(a) A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. The party shall produce it upon the request of any other party or the agency clerk.~~

~~(b) Any party who elects to file any document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the signals and accepts the full risk that the document may not be properly filed with the clerk as a result.~~

~~(c) The filing date for a document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document.~~

(8) A document shall be filed by only one method (e-filing, facsimile, courier, hand-delivery, or U.S. mail) and shall not be filed multiple times. A duplicate filing will not be docketed and will be destroyed.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended 1-15-07, _____.

28-106.105 Appearances.

(1) through (2) No change.

(3) On written motion served on the party represented and all other parties of record, the presiding officer shall grant counsel of record and qualified representatives leave to withdraw for good cause shown. The motion shall contain the address, any e-mail address, and telephone number of the party represented.

(4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended _____.

28-106.106 Who May Appear; Criteria for Qualified Representatives.

(1) No change.

(2)(a) A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable, but no later than any pleading filed by the person seeking to appear on behalf of the party. The request shall identify the name, address, e-mail address, and telephone number of the representative and shall state that the party is aware of the services which the representative can provide, and is aware that the party can be represented by counsel at the party’s own expense and has chosen otherwise.

(b) through (c) No change.

(3) through (5) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 4-1-97, Amended 1-15-07, _____.

28-106.201 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) No change.

(b) The name, address, any e-mail address, facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests will be affected by the agency determination;

(c) through (g) No change.

(3) No change.

Rulemaking Authority 14.202, 120.54(3), (5) FS. Law Implemented 120.54(3) FS. History–New 4-1-97, Amended 9-17-98, 1-15-07, _____.

28-106.2015 Agency Enforcement and Disciplinary Actions.

(1) through (4) No change.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, any e-mail address, and telephone number, and facsimile number, (if any,) of the respondent if the respondent is not represented.

(b) The name, address, e-mail address, telephone number, and facsimile number of the attorney or qualified representative of the respondent, (if any,) upon whom service of pleadings and other papers shall be made.

(c) through (e) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History–New 1-15-07, Amended _____.

28-106.204 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing, and shall fully state the action requested and the grounds relied upon. The original written motion shall be filed with the presiding officer. When time allows, the other parties may, within 7 days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by the presiding officer. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct such proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) Unless otherwise provided by law, motions to dismiss the petition or request for hearing shall be filed no later than 20 days after assignment of the presiding officer, unless the motion is based upon a lack of jurisdiction of incurable errors in the petition service.

(3) ~~All motions~~, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state as to each party whether the party has any objection to the motion. Any statement that the movant was unable to contact the other party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

~~(4) In cases in which the Division of Administrative Hearings has final order authority, any party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.~~

~~(5) In cases in which the Division of Administrative Hearings has recommended order authority, a party may file a motion to relinquish jurisdiction whenever there is no genuine issue as to material fact.~~

~~(4)(6)~~ Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.205 Intervention.

(1) Persons other than the original parties to a pending proceeding whose substantial interest will be affected by the proceeding and who desire to become parties may move ~~petition~~ the presiding officer for leave to intervene. Except for good cause shown, motions ~~petitions~~ for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. ~~The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding.~~ The parties may, within 7 days of service of the motion ~~petition~~, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

(2) The motion to intervene shall contain the following information:

(a) The name and address of the intervenor and, if the intervenor is not represented by an attorney or a qualified representative, the e-mail address and facsimile number, if any, of the intervenor; and

(b) The name, address, e-mail address, telephone number, and any facsimile number of the intervenor’s attorney or qualified representative; and

(c) Allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected by the proceeding; and

(d) A statement as to whether the intervenor supports or opposes the preliminary agency action; and

(e) The statement required by subsection 28-106.204(3), F.A.C.; and

(f) The signature of the intervenor or intervenor’s attorney or qualified representative; and

(g) The date.

(3) Specifically-named persons, whose substantial interests are being determined in the proceeding, may become a party by entering an appearance and need not request leave to intervene.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.213 Evidence.

(1) through (2) No change.

(3) Hearsay evidence, whether received in evidence over objection or not, may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding unless the evidence falls within an exception to the hearsay rule as found in Sections 90.801-.805 ~~Chapter 90~~, F.S.

(4) No change.

(5) If requested and if the necessary equipment is reasonably available, testimony may be taken by means of video teleconference or by telephone.

(a) No change.

(b) For any testimony taken by ~~means of video teleconference or~~ telephone, a notary public must be physically present with the witness to administer the oath. ~~If testimony is taken by telephone, the~~ notary public shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness. It shall be the responsibility of the party calling the witness to secure the services of a notary public.

(6) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material. Requests for official recognition shall be by motion and shall be considered in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.214 Preserving Testimony Recordation.

(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency transmitting the petition to the Division of Administrative Hearings pursuant to Sections

120.569 and 120.57, F.S., the agency whose rule is being challenged, or the agency whose action initiated the proceeding. Proceedings shall be recorded by a ~~certified~~ court reporter or by recording instruments.

(2) No later than 10 days prior to the final hearing, the agency shall notify the parties of the method by which the agency will record the testimony at the final hearing. Any party to a hearing may, at its own expense, provide a ~~certified~~ court reporter if the agency does not. The presiding officer may provide a ~~certified~~ court reporter. At hearings reported by a court reporter, any party who wishes a transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present, or understand evidence, or otherwise fully participate in the hearing, shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, at its sole expense, a certified translator or interpreter instead. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98,_____.

28-106.217 Exceptions and Responses.

(1) Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order except in proceedings conducted pursuant to Section 120.57(3), F.S. Exceptions shall identify the disputed portion of the recommended order by page number ~~or~~ ~~and~~ paragraph, shall identify the legal basis for the exception, and shall include any appropriate and specific citations to the record.

(2) Exceptions shall be provided to all parties by facsimile or electronic mail, if a facsimile number or e-mail address has been ~~is~~ provided, the day they are filed with the agency.

(3) through (4) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07,_____.

28-106.301 Initiation of Proceedings.

(1) No change.

(2) All petitions filed under these rules shall contain:

(a) No change.

(b) The name, address, any e-mail address, and telephone number of the petitioner, if the petitioner is not represented by an attorney or qualified representative; the name, address, e-mail address, facsimile number, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) through (h) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-17-98, 1-15-07, 12-24-07,_____.

28-106.303 Motions.

(1) All requests for relief shall be by motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the action requested and the grounds relied upon. The original motion shall be filed with the presiding officer. When time allows, the other parties may, within seven days of service of a written motion, file a response in opposition. No reply to the response shall be permitted unless leave is sought from and given by presiding officer. Written motions will normally be disposed of after the response period has expired, based on the motion, together with any supporting or opposing memoranda. The presiding officer shall conduct proceedings and enter such orders as are deemed necessary to dispose of issues raised by the motion.

(2) All mMotions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether any party has an objection to the motion.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended _____.

28-106.306 Preserving Testimony Recordation.

(1) Responsibility for preserving the testimony at the final hearings shall be that of the agency responsible for taking final agency action. Proceedings shall be recorded by a ~~certified~~ court reporter or by recording instruments.

(2) Any party to a hearing may, at its own expense, provide a ~~certified~~ court reporter if the agency does not. The presiding officer may provide a ~~certified~~ court reporter. At hearings reported by a court reporter, any party who wishes a

transcript of the testimony shall order the same at its own expense. If a court reporter records the proceedings, the recordation shall become the official transcript.

(3) If a transcript is prepared, the original document, not an electronic or facsimile copy, shall be filed with the presiding officer.

(4) No later than 15 days prior to any hearing, a party who needs a translator or interpreter in order to testify, present or understand evidence, or otherwise fully participate in the hearing shall give notice to all other parties. This notice shall include the name of the translator or interpreter the party intends to use, the nature of the translation or interpretation services needed, contact information for the translator or interpreter, and a disclosure of the relationship, if any, of the translator or interpreter to the person for whom translation or interpretation services will be provided. This notice shall be given by electronic mail, if possible. No later than 5 days prior to the hearing for which a party has given this notice, any other party may give notice of its objection to the proposed translator or interpreter. Such notice shall be provided to the proposed translator or interpreter, to the party who has proposed the translator or interpreter, and to all other parties and shall advise that the objecting party will provide, as its sole expense, a certified translator or interpreter instead. Any translator or interpreter must be administered an oath or affirmation before translating or interpreting testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 3-18-98, _____.

28-106.402 Contents of Request for Mediation.

The request for mediation shall contain:

(1) The name, address, any e-mail address, and telephone number of the party requesting mediation and that party’s representative, if any; and

(2) A statement of the preliminary agency action;.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, _____.

28-106.404 Contents of Agreement to Mediate.

The agreement to mediate shall set forth:

(1) The names, addresses, any e-mail addresses, and telephone numbers of any persons who may attend the mediation;

(2) The name, address, e-mail address, and telephone number of the mediator agreed to by the parties;

(3) through (7) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended _____.

ADMINISTRATION COMMISSION

RULE NO.: 28-108.001
 RULE TITLE: Petition for Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUBJECT AREA TO BE ADDRESSED: Petition for Exceptions to Uniform Rules of Procedure.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-108.001 Petition for Exception to Uniform Rules of Procedure.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 9-9-98, 1-15-07, _____.

ADMINISTRATION COMMISSION

RULE NO.: 28-110.004
 RULE TITLE: Formal Written Protest

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to clarify language in the situation where the last day of the period allowed for filing a petition or bond falls on a weekend or legal holiday to conform with statutory language in subsection 120.57(3)(d)2., F.S.

SUBJECT AREA TO BE ADDRESSED: Bid Protests – Formal Written Protest.

RULEMAKING AUTHORITY: 14.202, 120.54(5) FS.

LAW IMPLEMENTED: 120.57(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-110.004 Formal Written Protest.

(1) through (2) No change.

(3) The time allowed for filing a petition or a bond is not extended by mailing either document. If the last day of the period allowed for filing a petition or bond is a Saturday, Sunday, or legal holiday, the period shall not run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.57(5) FS. History–New 4-1-97, Amended 1-15-07, _____.

ADMINISTRATION COMMISSION

RULE NO.: 28-112.001
 RULE TITLE: Petition for Exception to Uniform Rules Relating to State Employment

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to amend rule language to conform to present technology with respect to providing e-mail addresses.

SUBJECT AREA TO BE ADDRESSED: Petition for Exception to Uniform Rules relating to State Employment.

RULEMAKING AUTHORITY: 14.202, 110.201 FS.

LAW IMPLEMENTED: 110.201, 110.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida, (850)717-9513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

28-112.001 Petition for Exception to Uniform Rules Relating to State Employment.

(1) No change.

(2) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:

(a) through (c) No change.

(d) The contact name, address, e-mail address, and phone number where a copy of the petition may be obtained.

(3) No change.

Rulemaking Authority 14.202, 110.201 FS. Law Implemented 110.201, 110.217 FS. History–New 12-24-07, Amended _____.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.: 29F-21.001
 RULE TITLE: Strategic Regional Policy Plan

PURPOSE AND EFFECT: Review and refinement of the regional goals and policies within the Council’s Strategic Regional Policy Plan (2060 Plan) which are intended to assist local decision making on planning, development and growth issues in Brevard, Lake, Orange, Osceola, Seminole and Volusia Counties in a manner that encourages implementation of the Central Florida Regional Vision adopted by representatives of all 93 communities that participated in an eighteen month regional visioning process involving approximately 20,000 citizens.

SUBJECT AREA TO BE ADDRESSED: The East Central Florida Strategic Regional Policy Plan is required by Section 186.507, Florida Statutes, and contains regional goals and policies that address economic development, emergency preparedness, natural resources of regional significance (including the identification of regional resources and facilities), regional transportation, affordable housing, and a dispute resolution process.

RULEMAKING AUTHORITY: 186.505, 120.54 FS.

LAW IMPLEMENTED: 186.507 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: October 3, 2012, 10:00 a.m.

PLACE: ECFRPC Office, 309 Cranes Roost Boulevard, Suite 2000, Altamonte Springs, Florida 32701

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 2 days before the workshop/meeting by contacting: tbyrd@ecfrpc.org. 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: Hugh W. Harling, Jr., (407)262-7772 or hharling@ecfrpc.org
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-1.102	Definitions
40B-1.106	Interagency Agreements
40B-1.135	Delegations of Authority
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.704	Bond
40B-1.706	Fees
40B-1.709	Suspension, Revocation, and Modification of District Permits
40B-1.711	Emergency Action
40B-1.809	Inconsistency with Section 287.055, Florida Statutes
40B-1.901	General

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state’s ERP program. To implement 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant’s Handbook. Two volumes of the Applicant’s Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP’s proposed rulemaking for Chapter 62-330 will include provisions currently addressed in the District’s Chapters 40B-1, F.A.C. This will necessitate amendments to District Chapter 40B-1, F.A.C. Therefore, the purpose of this rule development is to revise the District’s rules to be consistent with DEP’s adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules and the Applicant’s Guide by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration, (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(2) 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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, (386)362-1001

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1010	Policy and Purpose
40B-4.1020	Definitions
40B-4.1030	Implementation
40B-4.1040	Permits Required
40B-4.1060	Recognition of Comparable Regulatory Programs
40B-4.1070	Exemptions
40B-4.1090	Publications and Agreements Incorporated by Reference
40B-4.1100	Duration of Permits
40B-4.1110	Modification of Permits
40B-4.1120	Revocation of Permits

40B-4.1130 Transfer of Permits
 40B-4.1140 Limiting Conditions on Permits
 40B-4.1150 Emergency Authorization
 40B-4.1170 Inspections and Enforcement
 40B-4.2010 General Environmental Resource Permits
 40B-4.2020 Content of Environmental Resource Permit Application
 40B-4.2030 Conditions for Issuance of Environmental Resource Permits
 40B-4.2035 Minimum Operation and Maintenance Entity Requirements
 40B-4.2040 Minimum Operation and Maintenance Standards
 40B-4.3000 Adopted Works of the District
 40B-4.3010 General Works of the District Development Permits
 40B-4.3020 Content of District Floodway Development Permit Applications
 40B-4.3030 Conditions for Issuance of Works of the District Development Permits
 40B-4.3040 Unlawful Use of Works of the District

PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.) Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code (F.A.C.)

DEP's proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in the District's Chapters 40B-4, F.A.C. This will necessitate amendments to District Chapter 40B-4, F.A.C. Therefore, the purpose of this rule development is to revise the District's rules to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C. and include proposed District rules.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules and proposed District rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for

issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(2) 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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, (386)362-1001

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-400.021	Definitions
40B-400.046	Formal Determinations
40B-400.051	Exemptions
40B-400.091	Publications and Agreements
	Incorporated by Reference
40B-400.101	Content and Processing of the Application, Amended 12-3-98
40B-400.103	Conditions for Issuance of Permits
40B-400.104	Additional Conditions for Issuance of Permits
40B-400.115	Limiting Conditions
40B-400.201	Policy and Purpose
40B-400.211	Processing Procedures for Noticed General Permits
40B-400.215	General Conditions for All Noticed General Permits
40B-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks

<p>40B-400.427</p> <p>40B-400.431</p> <p>40B-400.437</p> <p>40B-400.439</p> <p>40B-400.443</p> <p>40B-400.447</p> <p>40B-400.453</p> <p>40B-400.455</p> <p>40B-400.457</p> <p>40B-400.463</p> <p>40B-400.467</p> <p>40B-400.475</p> <p>40B-400.483</p> <p>40B-400.485</p>	<p>General Permit for Certain Piers and Associated Structures</p> <p>General Permit for Installation of Riprap</p> <p>General Permit for the Installation of Fences</p> <p>General Permit for the Construction or Maintenance of Culverted Driveways, Road Crossings and Bridges of Artificial Waterways</p> <p>General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation</p> <p>General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements</p> <p>General Permit for Installation, Maintenance, Repair and Removal of Underground Cable, Conduit, or Pipeline</p> <p>General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters</p> <p>General Permit for Subaqueous Utility Crossing of Artificial Waterways</p> <p>General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies</p> <p>General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies</p> <p>General Permit for Minor Activities</p> <p>General Permit to the Department to Conduct Minor Activities</p> <p>General Permit to the Department for Environmental Restoration or Enhancement</p>	<p>40B-400.487</p> <p>40B-400.495</p> <p>40B-400.500</p>	<p>General Permit to the Department to Change Operating Schedules for Department Water Control Structures</p> <p>General Permit to U.S. Forest Service for Minor Works within National Forests</p> <p>General Permit After Notice for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems</p>
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PURPOSE AND EFFECT: The Suwannee River Water Management District (District) gives notice that it is initiating rulemaking to amend its rules consistent with Section 373.4131, Florida Statutes (F.S.), Section 373.4131, F.S., became effective on July 1, 2012, and requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, Florida Administrative Code, F.A.C.

As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in the District's Chapters 40B-400, F.A.C. and the District's ERP Applicant's Handbook. This will necessitate amendments to District Chapter 40B-400, F.A.C., and its existing Applicant's Handbook. Therefore, the purpose of this rule development is to revise the District's rules and the District's Applicant Handbook to be consistent with DEP's adoption of statewide ERP rules in chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of District rules by rule amendment, development or repeal, as needed, to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and

operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes made in the subject areas above.

RULEMAKING AUTHORITY: 369.318, 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS.

LAW IMPLEMENTED: 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.117, 373.118, 373.129, 373.146(1), 373.406, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 373.613, 380.06(9), 403.0877, 403.813(2) 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: Tim Sagul, Senior Professional Engineer, Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060, tjs@srwmd.org, (386)362-1001

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-0.113	Variances from Specified Review Criteria for Environmental Resource Permits

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMMD's rule 40E-0.113, F.A.C., to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) procedures, and (2) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.171, 373.4131, 373.414(7), 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.4131, 373.427, 668.003, 668.004, 668.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anita 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, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMMD's website www.sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.602	Permits Required
40E-1.603	Application Procedures for Conceptual Approval, Individual and Standard Permits
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.607	Permit Application Processing Fees
40E-1.6107	Transfer of Environmental Resource, Surface Water Management, or Water Use Permit
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern
40E-1.659	Forms and Instructions
40E-1.715	Civil Penalty Calculation

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's Chapter 40E-1, F.A.C., rules to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting procedures (2) types of permits, (3) permit modifications and transfers, (4) reporting forms and operational requirements, (5) application submittal and review procedures, (6) fee categories, and (7) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.53(1), 218.075, 373.044, 373.109, 373.113, 373.333(1), 373.4131, 373.4135, 373.4136, 373.416, 373.421(2), 373.421(6)(b), 380.051, 668.003, 668.004, 668.50, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53(1), 120.57, 120.60, 120.69, 218.075, 373.083, 373.085, 373.106, 373.107, 373.109, 373.113, 373.116, 373.129, 373.171, 373.209(3), 373.229, 373.309, 373.4131, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.430, 373.436, Chapter 373, Parts II and IV, 373.603, 380.051, 403.201, 668.003, 668.004, 668.50, 704.06 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: Anita 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, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.010	Review of Environmental Resource Permit Applications
40E-4.011	Policy and Purpose
40E-4.021	Definitions
40E-4.041	Permits Required
40E-4.0415	Permit Thresholds
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.051	Exemptions From Permitting
40E-4.0515	Exemptions From Specified Review Criteria
40E-4.054	Modification of Exempt Projects
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.201	Forms and Instructions
40E-4.205	Permit Application Processing Fees
40E-4.301	Conditions for Issuance of Permits
40E-4.302	Additional Conditions for Issuance of Permits
40E-4.303	Environmental Resource Permit Authorization
40E-4.305	Conceptual Approvals
40E-4.321	Duration of Permits
40E-4.331	Modification of Permits
40E-4.341	District Revocation or Modification of Permits
40E-4.351	Transfer of Permits
40E-4.361	Conversion from Construction Phase to Operation Phase
40E-4.381	General Conditions
40E-4.451	Emergency Authorization

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon

existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.016, 373.044, 373.103(8), 373.109, 373.113, 373.171, 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.441, 373.421, 380.06(9), 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.016 373.019, 373.042, 373.086(1), 373.103, 373.117, 373.118(1), 373.229, 373.403-443, 380.069, 380.23, 403.031, 403.813(1), 403.813(2), 668.003, 668.004, 668.50, 695.26, 704.06 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: Anita 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, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-40.010	Review of Environmental Resource Standard Permit Applications
40E-40.011	Policy and Purpose
40E-40.021	Definitions
40E-40.031	Implementation
40E-40.041	Permit Thresholds
40E-40.042	Standard Permit for Incidental Site Activities
40E-40.051	Standard Permit Authorization
40E-40.061	Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations
40E-40.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-40.101	Content of Permit Application

40E-40.141	Request for Additional Information
40E-40.302	Conditions for Issuance of Permits
40E-40.321	Duration of Permits
40E-40.331	Modification of Permits
40E-40.341	District Revocation or Modification of Permits
40E-40.351	Transfer of Permits
40E-40.381	General Conditions
40E-40.391	Forms and Instructions
40E-40.407	Permit Application Processing Fees

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330, F.A.C., will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to

accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.53(1), 120.54, 120.60, 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.413(1), 373.4131, 373.414, 403.812 FS.

LAW IMPLEMENTED: 120.52(16), 120.53, 120.54, 120.60, 373.016, 373.019, 373.046, 373.085, 373.103, 373.106, 373.116, 373.117, 373.118, 373.229, 373.403, 373.406(5), 373.413, 373.4131, 373.414, 373.416, 373.419, 373.426, 373.427, 373.429, Chapter 373, Part IV. 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: Anita 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, abain@sfwmd.gov. For procedural questions, contact Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-41.011	Policy and Purpose
40E-41.043	Application of Part I
40E-41.053	Exemptions
40E-41.063	Conditions for Issuance of Permits in the Western Canal 9 Basin
40E-41.143	Application of Part II
40E-41.160	Content of Application
40E-41.243	Application of Part III
40E-41.260	Content of Application

- 40E-41.263 Conditions for Issuance of Permits in the C-51 Basin
- 40E-41.333 Implementation
- 40E-41.343 Application of Part IV.
- 40E-41.363 Conditions for Issuance of Permits in the Water Preserve Area, Water Preserve Area Basin, or Adjacent to the Protective Levees

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise SFWMD's Chapter 40E-41, F.A.C., rules to be consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C. This will primarily be done by revising rule citations to reflect Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the consistency with the statewide ERP rules on the following subjects: (1) rule citations, and (2) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S..

RULEMAKING AUTHORITY: 373.044, 373.113, 373.4131 FS.

LAW IMPLEMENTED: 373.085, 373.086, 373.413, 373.4131, 373.416, 373.426 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: Anita 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, abain@sfwmd.gov. For procedural questions, contact: Joyce Rader, Paralegal, South Florida Water

Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259 or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-400.010	Review of No Notice and Noticed General Environmental Resource Permit Applications
40E-400.021	Definitions
40E-400.201	Policy and Purpose
40E-400.211	Processing Procedures for Noticed General Permits
40E-400.215	General Conditions for All No Notice and Noticed General Permits
40E-400.315	No Notice General Permit for Activities in Uplands
40E-400.316	No Notice General Permit for Road Grading and Pavement Resurfacing
40E-400.417	General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks
40E-400.427	General Permit for Certain Piers and Associated Structures
40E-400.431	General Permit for Installation of Riprap
40E-400.437	General Permit for the Installation of Fences
40E-400.439	General Permit for the Construction or Maintenance of Culverted Driveways or Roadway Crossings and Bridges of Artificial Waterways
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing FDOT Rights-of-Way or Easements
40E-400.453	General Permit for the Installation, Maintenance, Repair or Removal of Underground Cables, Conduits, or Pipelines
40E-400.455	General Permit for the Construction of Aerial Pipeline, Cable, or Conduit Crossings of Certain Waters

- 40E-400.457 General Permit for Subaqueous Utility Crossings of Artificial Waterways
- 40E-400.463 General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies
- 40E-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies
- 40E-400.470 Noticed General Permit for Temporary Agricultural Activities
- 40E-400.475 General Permit for Minor Activities
- 40E-400.483 General Permit to the Department to Conduct Minor Activities
- 40E-400.485 General Permit to the Department for Environmental Restoration or Enhancement Activities
- 40E-400.487 General Permit to the Department to Change Operating Schedules for Department or District Water Control Structures
- 40E-400.495 General Permit to U.S. Forest Service for Minor Works within National Forests
- 40E-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Removal or Abandonment of Minor Silvicultural Surface Water Management Systems
- 40E-400.900 Forms and Instructions

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) gives notice that it is initiating rulemaking to amend its rules as required by Section 373.4131, F.S., which became effective on July 1, 2012. This statute requires the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental permitting (ERP) rules. These rules are to rely primarily upon existing rules of the DEP and WMDs, but may be revised as necessary to achieve a more consistent, effective, and streamlined approach in the state's ERP program. To implement Section 373.4131(1), F.S., DEP has initiated rulemaking to revise Chapter 62-330, F.A.C. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are: permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions. Some examples of provisions that DEP has proposed to include in the proposed rulemaking for Chapter 62-330, F.A.C. are:

permitting thresholds; permit exemptions; types of permits; application and notice content and submittal procedures; conditions for issuance; and formal determinations of the landward extent of wetlands and other surface waters. As part of its rulemaking, DEP also intends to incorporate by reference documents to be known as an Applicant's Handbook. Two volumes of the Applicant's Handbook will apply in each WMD: (1) one volume that will include general and environmental procedures, and forms that will apply statewide; and (2) a second volume, specific to, and adopted by, the WMD that will set forth design and performance standards for stormwater quality and quantity, and include drainage basin designations and basin-specific rules within the WMD. DEP's proposed rulemaking for Chapter 62-330 will include provisions currently addressed in SFWMD's Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, and will necessitate amendments to SFWMD Chapters 40E-0, 40E-1, 40E-4, 40E-40, 40E-41 and 40E-400, F.A.C., and its existing Basis of Review. Therefore, the purpose of this rule development is to revise or repeal SFWMD's rules consistent with DEP's adoption of statewide ERP rules in Chapter 62-330, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Among other things, this rule development will cover the revision of SFWMD rules by rule amendment, development or repeal as needed to accomplish the establishment of statewide ERP rules on the following subjects: (1) permitting thresholds, (2) permit exemptions, (3) types of permits, (4) permit duration (5) permit modifications and transfers, (6) reporting forms and operational requirements, (7) application submittal and review procedures, (8) conditions for issuance, (9) formal determinations of the landward extent of wetlands and other surface waters, (10) general permit conditions, (11) fee categories, and (12) other rules for which conforming amendments may be needed along with any rule changes to be consistent with Chapter 62-330, F.A.C., and the requirements of Section 373.4131, F.S.

RULEMAKING AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.118, 373.171, 373.406, 373.4131, 403.067(7)(d), 403.813, 403.814, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.109, 373.118, 373.119, 373.406, 373.413, 373.4131, 373.416, 373.418, 373.423, 373.426, 403.067(7)(d), 668.003, 668.004, 668.50 FS.

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

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 days before the workshop/meeting by

contacting: Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, jrader@sfwmd.gov. 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: Anita 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, abain@sfwmd.gov. For procedural questions, contact: Joyce Rader, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6259, or (561)682-6259, jrader@sfwmd.gov. Information regarding this rule development effort can be accessed at SFWMD's website www.sfwmd.gov

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

RULE NOS.:	RULE TITLES:
61E14-5.001	Citations
61E14-5.002	Mediation
61E14-5.003	Notices of Non-Compliance

PURPOSE AND EFFECT: The purpose of these rules is to establish the disciplinary violations for which licensed community association managers and community association management firms may receive a notice of non-compliance or citation for. Furthermore, these rules establish violations which may proceed through mediation rather than through the disciplinary process.

SUBJECT AREA TO BE ADDRESSED: Citations, notices of non-compliance and mediation for disciplinary violations committed by community association managers and community association management firms.

RULEMAKING AUTHORITY: 468.4315(3), 455.2235(1), 455.224, 455.225 FS.

LAW IMPLEMENTED: 455.2235(1), 455.224, 455.225 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, Assistant General Counsel, Office of

the General Counsel, Department of Business and Professional Regulation 1940 N. Monroe Street, Suite 42, Tallahassee, FL 32399, (850)717-1244

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-21.003	Continuing Education – Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education – Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) 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 Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-24.002	Continuing Education Approval of Subjects and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the newest version of the handbook.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Approval of Subjects and Providers.

RULEMAKING AUTHORITY: 455.2177(3), 455.2179, 481.215(4) FS.

LAW IMPLEMENTED: 481.215(4) 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 Spivey, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-2.005
 RULE TITLE: Notice of Address Change
 PURPOSE AND EFFECT: The Board proposes this rule amendment to include an electronic address for licensees.

SUBJECT AREA TO BE ADDRESSED: Notice of Address Change.

RULEMAKING AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.385(1), (7), 455.275 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 Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-3.001
 RULE TITLE: Fees
 PURPOSE AND EFFECT: The Board proposes this rule amendment to delete language referencing Rule 61G2-2.006, F.A.C., as the rule is being repealed.

SUBJECT AREA TO BE ADDRESSED: Fees.

RULEMAKING AUTHORITY: 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.217(1), 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) 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 Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-7.030
 RULE TITLE: Disciplinary Guidelines
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address violations and penalties in the disciplinary guidelines for auctioneers.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 455.2273(1) FS.

LAW IMPLEMENTED: 455.2273(1) 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 Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-4.050
 RULE TITLE: Procedures to Obtain Permits and Other Authorizations; Applications

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to allow the submission of electronic applications and supporting material when applying for a permit with the Department.

SUBJECT AREA TO BE ADDRESSED: The Department of Environmental Protection is undertaking an effort to reduce the amount of paper that is used and filed for official business. As

part of that effort, the Department is amending its permitting rules to allow the submission of electronic permit applications and specifying the electronic format for supporting material.

RULEMAKING AUTHORITY: 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS.

LAW IMPLEMENTED: 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hillary Powell, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399, (850)245-2248, hillary.powell@dep.state.fl.us; or facsimile (850)245-2297. (OGC No. 12-1497)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.

(1) No change.

~~(2) All applications and supporting documents shall be filed in quadruplicate with the Department.~~

(3) through (8) renumbered (2) through (7) No change.

Rulemaking Authority 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS. History--New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94, 4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06, 10-31-07, 4-21-09,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-9.011
 RULE TITLE: Radiography Training for Dental Assistants

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised form into the rule.

SUBJECT AREA TO BE ADDRESSED: Radiography Training for Dental Assistants.

RULEMAKING AUTHORITY: 466.004, 466.017(7) FS.

LAW IMPLEMENTED: 466.017(7) 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-3.002
 RULE TITLE: Application, Certification, Registration, and Licensure Fees

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify the fee required for those applying for licensure.

SUBJECT AREA TO BE ADDRESSED: Clarification of the fee required for medical faculty certificates.

RULEMAKING AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345 FS.

LAW IMPLEMENTED: 456.013, 456.025, 456.036, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.007
 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board intends to address various requirements regarding the standard of care for office surgery.

SUBJECT AREA TO BE ADDRESSED: Requirements with regard to the performance of office surgery.

RULEMAKING AUTHORITY: 459.005(1), 459.015(1)(z), 459.026 FS.

LAW IMPLEMENTED: 459.015(1)(g), (x), (z), (aa), 459.026 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 Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NOS.:	RULE TITLES:
64B20-7.003	Minor Violations
64B20-7.004	Citations
64B20-7.007	Mediation

PURPOSE AND EFFECT: The Board intends to develop rule amendments to address minor violations including those violations which are appropriate for mediation or the issuance of a citation.

SUBJECT AREA TO BE ADDRESSED: Minor violations including offenses appropriate for mediation and citations.

RULEMAKING AUTHORITY: 456.073, 456.077, 456.078, 468.1135(4) FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 468.1295 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 and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE NOS.:	RULE TITLES:
64C-10.001	Definitions
64C-10.002	Provider Credentialing and Recredentialing Standards
64C-10.003	Facility Standards
64C-10.004	Preventative Health Care Services Standards
64C-10.005	Travel Time Standards
64C-10.006	Timely Treatment Service Standards
64C-10.007	Behavioral Health Services
64C-10.008	Second Medical Opinions
64C-10.009	Out-of-Network Service Provisions

PURPOSE AND EFFECT: The purpose of this proposed new rule chapter is to implement law consistent with Section 409.820, F.S.

SUBJECT AREA TO BE ADDRESSED: Minimum quality assurance and access standards for the Title XXI-funded Children’s Medical Services Network and Florida Healthy Kids components of the Florida KidCare children’s health insurance program.

RULEMAKING AUTHORITY: 391.026, 409.820 FS.

LAW IMPLEMENTED: 409.820 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: Gail Vail, CMSN Florida KidCare, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-1707, telephone number (850)245-4200, ext. 2238

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Refugee Services

RULE NOS.:	RULE TITLES:
65F-1.001	Definitions
65F-1.002	Child Welfare Services Qualifications

PURPOSE AND EFFECT: The Department intends to develop a rule within a newly created Chapter 65F for the Refugee Services Program. The rule will ensure judges, hearing officers, Department and contracted staff know that the same criteria which apply to children and young adults in Florida’s foster care system and independent living program also apply to an unaccompanied refugee minor receiving federally funded child welfare services from the State.

SUBJECT AREA TO BE ADDRESSED: Unaccompanied refugee minors.

RULEMAKING AUTHORITY: 402.86(2) FS.

LAW IMPLEMENTED: 402.86(1) 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: Danny Charles, Administrative Assistant, 401 N.W. 2nd Avenue, Suite N-812, Miami, Florida 33128, (305)377-5682; Danny_Charles@dcf.state.fl.us

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

This proposed rulemaking will not have an adverse impact or effect regulatory costs in excess of \$1 million within five years as established in Sections 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: 960.045(1)(b), 960.13(9)(b) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, 960.198, 960.199 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 Crum, Chief, Bureau of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3300

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.:	RULE TITLES:
2A-2.002	Victim Compensation Claims
2A-2.015	Sexual Battery Relocation Assistance

PURPOSE AND EFFECT: To clarify definitions, documentation, benefits and procedures for claims, filed pursuant to the Crimes Compensation Act, and add Sexual Battery Relocation Assistance to the program.

SUMMARY: This rule provides the definitions, eligibility, application and documentation requirements and processes for victims of crime, as well as the role of the program assistants assisting the victims in the process.

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 the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature.

THE FULL TEXT OF THE PROPOSED RULES IS:

2A-2.002 Victim Compensation Claims.

(1) Definitions.

(a) "Actual loss" means the total amount of treatment bills, medical/dental support services, lost wages, disability, funeral expenses, loss of support, and other related out-of-pocket losses, which are compensable by the Crimes Compensation Trust Fund.

(b) "Bureau" means the Bureau of Victim Compensation (BVC) within the Division of Victim Services and Criminal Justice Programs of the Office of the Attorney General.

(c) "Compensable crime" is an offense as defined in Section 960.03(3), F.S., which results in physical, psychological, ~~or~~ psychiatric, or mental injury, or death for which an eligible claimant seeks benefits for economic loss, medical/dental/mental health treatment, funeral or burial costs, or disability benefits that are not payable by another source.

(d) "Crime scene cleanup" means the removal and disposal of biohazardous and/or biochemical substances following a violent crime that occurs in the private residence or conveyance of the victim and must be performed by a government authorized facility.

(e) "Division" means the Division of Victim Services and Criminal Justice Programs within the Department of Legal Affairs.

(f) "Domestic violence" is defined in Section 741.28(2), F.S.

(g) "Economic loss" means wage loss, loss of support and disability.

(h) "Family or household member" is defined in Section 741.28(3), F.S.

(i) "Forcible felony" is defined in Section 776.08, F.S.

(j) "Guardian" means: