

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Comprehensive Management Information System
 RULE NO.: 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule development is to review existing requirements of the statewide management information system which is necessary in order to implement changes recommended by school districts and to review changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2004-2005.

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled “DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2004 2003~~” “DOE Information Data Base

Requirements: Volume II – Automated Staff Information System, ~~2004 2003~~,” and “DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995.” These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03, 7-20-04, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specifications for New School Buses
 RULE NO.: 6A-3.0291

PURPOSE AND EFFECT: The purpose of this rule development is to adopt revised specifications that ensure new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses, through incorporation of proposed changes, including, in part revision of warranty requirements, fuel filtration requirements, transmission model numbers, lighting options, floor covering requirement, mirror requirements, firewall insulation requirements, circuit breakers requirements, heater/defroster requirements and the addition of driver’s post-trip passenger check system requirement.

SUBJECT AREA TO BE ADDRESSED: Requirements for newly purchased school buses.

SPECIFIC AUTHORITY: 1001.02, 1006.25 FS.

LAW IMPLEMENTED: 1006.22, 1006.25 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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Schroyer, Director, Fleet Management, School Transportation

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.
(1) through (17) No change.

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

APPENDIX ONE
PROPERTY LIST

No change other than item below
Quantity Unit Value Articles
1 each Laundry bag (state issue or canteen)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE TITLE: Forms and Instructions
PURPOSE AND EFFECT: The purpose of this rulemaking is to revise the District's Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form 547.27 (8/03) and incorporate the revision date into Rule 40D-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rulemaking is necessary to incorporate revisions to Form 547.27, Information for General Environmental Resource Permits for Minor Surface Water Systems and incorporate the revision date into the District's rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 5.47.27/ERP (8/03)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History--New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 5-26-95, 10-19-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE TITLE: Forms and Instructions
PURPOSE AND EFFECT: The purpose of this rulemaking is to streamline the permitting process for outparcels by incorporating a new District Form, TSV-009.02 (_/04) into Rule 40D-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rulemaking is necessary to incorporate a new District Form, TSV-009.02 (_/04), General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects, into Rule 40D-1.659, F.A.C. This form should help streamline the permitting process for "outparcels" as setforth in paragraph 40D-4.331(2)(a), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

(15) GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUT PARCEL CONSTRUCTION WITHIN PERMITTED COMMERCIAL PROJECTS Form No. TSV-009.02 (/04).

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 5-26-95, 10-19-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Revocation and Cancellation of Permits	40D-2.341

PURPOSE AND EFFECT: These rule amendments will create a simple administrative procedure to allow District staff to cancel Water Use Permits when such permits are no longer desired by the permittees.

SUBJECT AREA TO BE ADDRESSED: Administrative cancellation of Water use Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.306, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352) 796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) “Basis of Review for Water Use Permit Applications” _____ January 1, 2003;_;
- (2) “Standby Alternative Source” Form 48.10-009 (10/01) WUP-9;_;
- (3) “Irrigation Water Use Form – Annual Crops” Form 46.20-010 WUP-10 (10/01);_;
- (4) “Irrigation Water Use – Annual Recreational/Aesthetic/Golf” Form 46.20-009 WUP-11 (10/01);_;
- (5) “Irrigation Water Use – Summer/ & Fall Seasonal”, 46.20-011 WUP-13 (10/01);_;
- (6) “Irrigation Water Use – Winter/ & Spring Seasonal”, 46.20-012 Form WUP-12 (10/01) ~~are hereby incorporated by reference into this Chapter and are available from the District upon request.~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 1-1-03, _____.

40D-2.341 Revocation and Cancellation of Permits.

(1) The Governing Board shall permanently or temporarily revoke a permit in whole or in part, at any time after notice and hearing, if it finds that the use is no longer reasonable beneficial or is no longer in the public interest.

(2) In determining whether the use is not reasonable beneficial or in the public interest, the Governing Board shall consider:

- (a) Any material false statement in an application to continue, initiate, or modify a use, or for any material false statement of fact required of the user pursuant to the provisions of this Chapter;

(b) Any willful violation of the material terms or conditions of the permit;

(c) Any violation of any provision of this Chapter which the Permittee does not resolve; or

(d) Nonuse of the water supply allowed by the permit for a period of 2 years or more unless the user can prove that his nonuse was due to extreme hardship caused by factors beyond his control; or

(e) Whether the withdrawal causes significant adverse impacts to the water resources, environmental systems, or existing legal users, and the Permittee does not modify the activities or satisfactorily mitigate the impacts.

(3) The District may administratively cancel a permit when the permittee or permittee’s authorized agent requests the permit to be canceled; the permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; or the permit has become null and void as set forth in subsection 40D-2.351(4), F.A.C.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.243 FS. History—Readopted 10-5-74, Formerly 16J-2.15, Amended 10-1-89, _____.

WATER USE PERMIT
INFORMATION MANUAL

1.13 REVOCATION AND CANCELLATION OF PERMITS

A permit may be revoked, following notice and hearing, for the following reasons:

1. Non-use of the water granted in the permit for a period of at least 2 years, unless the Permittee can demonstrate extreme hardship.

2. If it can be demonstrated that the Permittee made false statements in the permit application or supporting materials.

3. If the withdrawal causes significant adverse impacts to the water resources, environmental systems, or existing legal users, and the Permittee does not modify the activities or satisfactorily mitigate the impacts.

4. If the permittee willfully violates any of the terms or conditions of the permit or any provision of Chapter 40D-2, F.A.C.

The District may administratively cancel a permit for the following reasons:

1. The permittee or permittee’s authorized agent requests that the permit be cancelled;

2. The permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; or

3. The permit has become null and void as set forth in subsection 40D-2.351(4), F.A.C.

The permittee requesting cancellation shall ensure that all ground water wells have been either properly capped or plugged and abandoned according to Rule 40D-3.531, F.A.C., and all surface water withdrawal points have been dismantled. Prior to an administrative cancellation, District staff shall perform a site visit to confirm these requirements have been

met. In the case where the permit has been abandoned as described above, all ground water wells must be plugged and abandoned according to Rule 40D-3.531, F.A.C., by the permittee.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
RULE CHAPTER NO.: 40D-2

RULE TITLE: Transfer of Permits
RULE NO.: 40D-2.351

PURPOSE AND EFFECT: The proposed rule amendments will amend the procedure for requesting transfer of Water Use Permits.

SUBJECT AREA TO BE ADDRESSED: The transfer of Water Use Permits upon a change in ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.219 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control must notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using a “Notification and Request for Transfer of a Water Use Permit”, Form No. 04.10 R-025 (8/02). Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself

up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D-1.6105, F.A.C. The District will transfer the permit provided all aspects of the permit except for ownership the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) No change.

(3) Persons who apply to transfer a permit under paragraph (1) above and who propose to change the source, use or withdrawal quantities from those specified on the existing permit must also submit an application to modify the permit with the application to transfer the permit.

(4) If a permit is not transferred as described above, it shall become null and void and subject to cancellation under subsection 40D-2.341(3), F.A.C.

~~(5)~~ Applications for partial transfers of permits shall be made in accordance with Section 1.10 of the District's Basis of Review for Water Use Permit Applications.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History--New 10-1-89, Amended 2-10-93, 3-30-93, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells RULE CHAPTER NO.: 40D-3

RULE TITLE: Violations of Contractor Licensing Requirements RULE NO.: 40D-3.038

PURPOSE AND EFFECT: The rule amendment will require water well contractors to promptly provide the District information regarding changes in their mailing addresses.

SUBJECT AREA TO BE ADDRESSED: Violations of Contractor Licensing Requirements.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS.

LAW IMPLEMENTED: 373.323, 373.324, 373.333, 373.336 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.038 Violations of Contractor Licensing Requirements.

(1) No change.

(2) A contractor is required to inform the District within 15 days of any change in the contractor's mailing address.

(2) through (3) renumbered (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS. Law Implemented 373.323, 373.324, 373.333, 373.336 FS. History--New 7-1-90, Amended 12-31-92, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells RULE CHAPTER NO.: 40D-3

RULE TITLE: Suspension, Revocation and Cancellation of Permits RULE NO.: 40D-3.341

PURPOSE AND EFFECT: This rule amendment will create a simple administrative procedure to allow District staff to cancel well construction permits when such permits are no longer desired by the permittee.

SUBJECT AREA TO BE ADDRESSED: The administrative cancellation of Well Construction Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.306, 373.309, 373.313 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.341 Suspension, ~~and~~ Revocation and Cancellation of Permits.

(1) The Governing Board may suspend or revoke a permit, at any time after notice and hearing, based on one or more of the following grounds:

- (a)(1) Material misstatement or misrepresentation in the application for a permit;
- (b)(2) Failure to comply with the provisions set forth in the permit;
- (c)(3) Disregard or violation of any of these rules or Chapter 373, Part III, F.S.; or
- (d)(4) Material change of circumstances or conditions from those existing at the time such permit was issued.

(2) The District may administratively cancel a permit upon the request of the permittee or permittee’s authorized agent, and confirmation by the District that no activity has taken place under the permit.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.309, 373.313 FS. History–Readopted 10-5-74, Formerly 16J-3.11(4), Amended 7-1-90, 7-2-98, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4
 RULE TITLE: Publications and Agreements
 RULE NO.: 40D-4.091
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to provide greater flexibility for permit applicants regarding design and performance criteria of retention/detention pond side slopes.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking will amend Section 6.4.1 of the Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District regarding retention/detention pond side slopes. The revisions express the preferred design and performance criteria and provide greater flexibility for the permit applicants. Subsection 40D-4.091(1), F.A.C., will be amended to incorporate the revisions to the Basis of Review.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, _____ June 7, 2004. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, _____.

ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW

6.4 Retention and Detention Areas ~~Wet Detention Areas~~

6.4.1 Dimensional Criteria (as measured at or from the control elevation).

a. through b. No change.

c. Side slopes – for purposes of public safety, water quality treatment enhancement and maintenance, all retention or detention areas should have stabilized side slopes no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the control elevation. Except as provided for in paragraph 6.4.1(d), constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation from the permitted design.

d. For purposes of public safety, side Side slopes designed or permitted steeper than 4:1 will require a six foot chain link fence or other equivalent protection sufficient to prevent accidental incursion into the retention or detention area. In determining the sufficiency of other protection measures, consideration shall be given to the depth and morphometry of the detention or retention area, surrounding land uses, degree of public access, and likelihood of accidental incursion completely surrounding the retention or detention area for purposes of public safety.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits RULE CHAPTER NO.: 40D-4

RULE TITLE: Modification of Permits RULE NO.: 40D-4.331

PURPOSE AND EFFECT: The purpose of this rule amendment is to direct an Environmental Resource Permit applicant to use Form TSV-009.02 (___/04) to expedite the permitting process of certain out parcels.

SUBJECT AREA TO BE ADDRESSED: Modification of Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an environmental resource permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) By formal application and review using the same criteria as new applications, pursuant to Rules 40D-4.101, 40D-4.301, and 40D-4.302, F.A.C., unless the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using District Form No. TSV-009.02 (___/04), adopted by reference in Rule 40D-1.659, F.A.C.

(b) Bby letter, provided the requested modification does not:

1. through 7. No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History-Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits RULE CHAPTER NO.: 40D-4

RULE TITLE: Revocation and Cancellation of Permits RULE NO.: 40D-4.341

PURPOSE AND EFFECT: This rule amendment will create a simple administrative procedure to allow District Staff to cancel Environmental Resource Permits when such permits are no longer desired by the permittee.

SUBJECT AREA TO BE ADDRESSED: The administrative cancellation of Environmental Resources Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.149, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.429, 373.430(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.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.341 Revocation and Cancellation of Permits.

(1) The Governing Board may modify or revoke a permit at any time after notice and hearing if it determines that a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the District or is in violation of any rule or order of the District, or the conditions of the permit.

(2) The District may administratively cancel a permit upon the request of the permittee or permittee’s authorized agent, and confirmation by the District that no activity has taken place under the permit.

Specific Authority 373.016, 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.429, 373.430(1) FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 7-2-98,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

Resource Permits
 RULE TITLE: Transfer of Permits
 RULE NO.: 40D-4.351

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt an expedited process for the review of Statement of Completion and certified As-Built construction drawing submittals.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will modify the process for requests to transfer permits from construction to operation phase.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.351 Transfer of Permits.

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

(c) Within forty-five (45) days of receiving a complete request to convert a construction permit to its operation phase and to transfer the permit to the operation and maintenance entity, the District shall approve the request or notify the permittee that deficiencies in the permitted facility, system or activity, must be corrected prior to conversion and transfer. Within forty-five (45) days of receipt of notification from the permittee that all deficiencies have been corrected and of verification of such by the District, the District will convert the construction permit to its operation phase and transfer the

permit to the operation and maintenance entity. If the District fails to take action to convert or transfer the permit within this time period, the conversion and transfer shall be deemed approved.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History—New 10-1-84, Amended 6-29-93, 10-3-95, 7-23-03,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: General Environmental Resource Permits
 RULE CHAPTER NO.: 40D-40

RULE TITLE: Conditions for Issuance of General Permits
 for Minor Surface Water Management
 Systems
 RULE NO.: 40D-40.301

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to create a general Environmental Resource Permit to authorize the construction, operation and maintenance of the surface water management systems serving certain minor residential subdivisions.

SUBJECT AREA TO BE ADDRESSED: The development of conditions for issuance of general Environmental Resource Permits for surface water management systems serving certain minor residential subdivisions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only: 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.301 Conditions for Issuance of General Permits for Minor Surface Water Management Systems.

- (1) To obtain this general permit, an applicant must provide reasonable assurance that the following conditions are met and certify that:

(a) Except for minor residential subdivisions meeting the criteria in subsection (2), the total land area does not equal or exceed 10 acres;

(b) Except for minor residential subdivisions meeting the criteria in subsection (2), the area of impervious surface shall not exceed two acres.

(c) The proposed activities will consist of the dredging or filling of less than 100 square feet in wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit;

(d) The activities will not utilize pumps for storm water management;

(e) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent;

(f) Discharges from the site will meet state water quality standards;

(g) The proposed building floors will be above the 100 year flood elevation;

(h) The proposed activities do not cause significant adverse impacts to occur individually or cumulatively;

(i) The surface water management system can be effectively operated and maintained; and

(j) The surface water management system will meet the applicable water quality design criteria in the Basis of Review incorporated by reference described in subsection 40D-4.091(1), F.A.C. Alternatively, individual lots in minor residential subdivisions may meet the applicable criteria in subsection (2).

(2) Additional criteria for minor residential subdivisions:

(a) Roadways within the proposed subdivision shall not exceed two acres of impervious surface.

(b) Roadways within the subdivision shall consist of paved or unpaved stabilized roads with an unyielding subgrade.

(c) The drainage system shall not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely effect wetlands, or areas beyond the applicant's perpetual control.

(d) Point discharges shall not exceed the capacity of receiving waters.

(e) All terminal discharge structures shall be designed to withstand the 25-year, 24-hour post-development discharge without functional failure.

(f) The proposed post-development impervious surface (excluding roadways) will not exceed a five percent (5%) increase over pre-developed conditions.

(g) Proposed or projected construction shall maintain a minimum 75 foot vegetated buffer and a 25 foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25 foot perpetually undisturbed buffer shall be required adjacent to an isolated wetland entirely located within an individual residential lot.

(h) Proposed or projected construction shall maintain a minimum 75 foot buffer adjacent to all project boundaries.

(i) The applicant's demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious areas and the anticipated percentage of impervious surfaces resulting from projected construction on individual residential lots.

(j) The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:

1. Alteration to the surface water management system
 2. Construction of additional impervious surfaces (including man-made ponds or lakes).
 3. Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.
 4. Fill encroachment into the 100-year floodplain.
- (3)(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.427 FS. History--New 3-1-88, Amended 10-3-95, 10-16-96, 9-26-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: General Environmental Resource RULE CHAPTER NO.: 40D-40

Permits RULE NO.: 40D-40.302

RULE TITLE: Conditions for Issuance of General Permits

PURPOSE AND EFFECT: This rulemaking will clarify the conditions for issuance of General Environmental Resource Permits.

SUBJECT AREA TO BE ADDRESSED: Conditions of Issuance for the various types of environmental resource permitting general permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.302 Conditions for Issuance of General Permits.

In order to qualify for a general permit for construction and operation under this chapter, the applicant must provide reasonable assurance that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., all thresholds in subsection 40D-40.302(2), F.A.C., and all applicable the additional conditions of at least one other subsections 40D-40.302(3) and 40D-302.(4), F.A.C. of this rule. To obtain a general site conditions assessment permit under this chapter, the applicant must provide reasonable assurance that all conditions of subsection 40D-40.302(5), F.A.C., are met. To obtain a permit for construction of incidental site activities under this chapter, the applicant must provide reasonable assurances that all conditions of subsections 40D-40.302(1) and 40D-40.302(6), F.A.C., are met.

(1) Conditions.

(a) The surface water management system must meet the conditions specified in Rules 40D-4.301 and 40D-4.302, F.A.C.

~~(b) The permittee must have obtained a Works of the District permit or other approval from the District if the permittee proposes to connect to, place structures in or across, or otherwise make use of works owned by the District.~~

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE CHAPTER TITLE: Complementary or Alternative Veterinary Medicine

RULE CHAPTER NO.: 61G18-31

RULE TITLE: Complementary or Alternative Veterinary Medicine

RULE NO.: 61G18-31.001

PURPOSE AND EFFECT: The Board proposes the development of a new rule chapter for the purpose of promulgating the proposal of newly created administrative rule(s) regarding complementary or alternative veterinary medicine.

SUBJECT AREA TO BE ADDRESSED: Complementary or Alternative Veterinary Medicine.

SPECIFIC AUTHORITY: 474.202(13) FS.

LAW IMPLEMENTED: 474.202(13) FS.

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

TIME AND DATE: 10:45 a.m. – 11:45 a.m., Wednesday, December 7, 2004

PLACE: The Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board’s office using the Florida Dual Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Concentrations in Accounting and Business

RULE NO.: 61H1-27.002

PURPOSE AND EFFECT: Pursuant to Section 473.306, F.S., the Board deems it necessary to amend this rule to add approval for examination those individuals who have completed a program that is approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy.

SUBJECT AREA TO BE ADDRESSED: Concentrations in Accounting and Business.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.304, 473.306 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-27.002 Concentrations in Accounting and Business.
(1) through (6)(b) No change.

(7) Individuals who have graduated from accounting programs approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy and whose educational degrees are from accredited institutions as set forth in subsection 61H1-27.001(1), F.A.C., shall be deemed to have met the requirements set forth in subsections 61H1-27.002(1)-(3), F.A.C.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.304, 473.306 FS. History—New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE:

RULE NO.:

Remote Medication Order Processing
for Community Pharmacies

64B16-28.405

PURPOSE AND EFFECT: The Board proposes a new rule to update the practice of remote medication order processing by community pharmacies.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule defines the terms of practice for remote medication order processing, and also establishes the requirements for engaging in remote medication order processing in community pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026 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 IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.405 Remote Medication Order Processing for Community Pharmacies.

(1) Definitions.

(a) “Medication” means a medicinal drug or proprietary preparation.

(b) “Remote prescription processing” means any aspect of the practice of pharmacy except the physical transfer of prescription from the patient, sales transaction or delivery, final dispensing to the patient, and includes:

1. Receiving, interpreting, or clarifying a prescription.
2. Entering prescription data into the pharmacy’s record.
3. Verifying or validating a prescription.
4. Performing prospective drug use review.
5. Obtaining refill or substitution authorization.
6. Interpreting or acting on clinical data.
7. Performing a therapeutic intervention.
8. Providing drug information.

(c) “Prospective drug use review” means an evaluation of prescriptions and patient medication records for:

1. Over-utilization or under-utilization of medication.
2. Therapeutic duplication of medication.
3. Drug-disease contraindications.
4. Drug interactions.
5. Incorrect drug dosage or duration of drug treatment.
6. Clinical abuse or misuse of medication.

(2) General Requirements.

(a) A pharmacist who participates in remote prescription processing shall have an active license in the state of Florida.

(b) A community pharmacy may utilize remote prescription processing if:

1. The pharmacist performing remote prescription processing has access to sufficient patient information necessary for prospective drug use review.
2. The dispensing pharmacist performs the final check before a prescription is dispensed to a patient.

(c) If a pharmacist performing remote prescription processing is not an employee of the community pharmacy, the community pharmacy shall have a written agreement or contract with the pharmacist or entity that employs the pharmacist. The written agreement or contract shall:

1. Outline the services to be provided.
2. Delineate the responsibilities of each party including compliance with federal and state laws and regulations governing the practice of pharmacy as well as federal and state medical privacy requirements, and.

3. Provide that the parties have access to or share a common electronic file such that the pharmacist performing remote prescription processing has sufficient patient information necessary for prospective drug use review.

(d) A community pharmacy that utilizes remote prescription processing shall refer to remote prescription processing in its policy and procedures manual.

(3) Policy and Procedures. The community pharmacy's policy and procedures manual shall:

(a) Be accessible to each party involved in remote prescription processing.

(b) Be available for inspection by the Board.

(c) Outline the responsibilities of each party involved in remote prescription processing.

(d) Include a current list of the name, address, telephone number and license number of each pharmacist involved in remote prescription processing.

(e) Include policies and procedures for:

1. Protecting the confidentiality and integrity of patient information.

2. Ensuring that a pharmacist performing prospective drug use review have access to appropriate drug information resources.

3. Maintaining records to identify the name, initials, or identification code of each person who performs any processing function for a prescription.

4. Complying with federal and state laws and regulations.

5. Ensuring the participation of any pharmacist involved in remote prescription processing in the community pharmacy's continuous quality improvement program.

6. Reviewing the written policies and procedures and documenting the review each year.

(4) Records.

(a) A community pharmacy involved in remote prescription processing shall maintain a record that identifies the name, initials, or identification code of each person who performed a processing function for every prescription. The record shall be available by prescription or by patient name.

(b) The record may be maintained in a common electronic file if the record is maintained in such a manner that date processing system can produce a printout which identifies every person who performed a processing function for a prescription.

(c) The record shall be readily retrievable for at least the past two (2) years.

(d) The record shall be available for inspection by the Board.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.019, 465.022, 465.026 FS. History--New _____.

DEPARTMENT OF HEALTH

Dental Laboratories

RULE CHAPTER TITLE: Discipline
RULE CHAPTER NO.: 64B27-2

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004 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: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Optical Establishments

RULE CHAPTER TITLE: Discipline
RULE CHAPTER NO.: 64B29-2

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004 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: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES: RULE NOS.:
 Records of Drugs, Cosmetics and Devices 64F-12.012
 Prescription Drugs; Receipt,
 Storage and Security 64F-12.013

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Prior to July 1, 2006, a two-tiered pedigree paper requirement exists. A pedigree paper is a document that traces all previous distributions of a prescription drug either back to the manufacturer if the drug is on a specified list, or back to the last authorized distributor of record for all other prescription drugs. Prior to July 1, 2006, the pedigree paper is required to be provided by a wholesale distributor to a customer who is a wholesale distributor. However, effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. In other words, the pedigree is not required to go to the patient or ultimate consumer because a patient will either have the prescription drug dispensed or administered to him or her. The wholesale industry has indicated that in order for it to efficiently and effectively comply with the full pedigree requirements that go into effect on July 1, 2006, that a process for electronic pedigrees must be authorized. This rule development workshop is intended to begin gathering information and input from industry to craft a rule that will facilitate industry's compliance with the pedigree requirements through a process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. The Bureau of Statewide Pharmaceutical Services contemplates multiple workshops will be necessary to develop proposed rules on this subject.

SUBJECT AREA TO BE ADDRESSED: Parameters for the use of technology, such as electronic signatures and pedigrees to meet the pedigree paper requirements in Section 499.0121(6)(f), F.S., that will go into effect on July 1, 2006.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(5)(d), (6)(f) FS.

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

TIME AND DATE: 11:00 a.m. – 3:30 p.m., Wednesday, December 8, 2004

PLACE: Capital Circle Office Complex, Building 4052, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE BUREAU WILL ACCEPT SUGGESTIONS FROM THE PUBLIC RELATED TO AGENDA ITEMS FOR THE FIRST MEETING. AN AGENDA WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:
 Calculation of Investment Income 690-170.003

PURPOSE AND EFFECT: To recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors.

SUBJECT AREA TO BE ADDRESSED: Calculation of Underwriting Profit Factors.

SPECIFIC AUTHORITY: 624.308(1), 627.062(2)(b)4., 627.0651(2)(d) FS.

LAW IMPLEMENTED: 624.307(1), 627.062(2)(b)4., 627.0651(2)(d) FS.

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

TIME AND DATE: 1:30 p.m., December 7, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Calculation and Use of Investment Income in Motor Vehicle Insurance Rates

RULE NO.: 69O-175.001

PURPOSE AND EFFECT: To recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors.

SUBJECT AREA TO BE ADDRESSED: Calculation of Underwriting Profit Factors.

SPECIFIC AUTHORITY: 624.308(1), 627.0651(2)(d) FS.

LAW IMPLEMENTED: 624.307(1), 627.031(1),(2), 627.0651(1) FS.

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

TIME AND DATE: 1:30 p.m., December 7, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices for the Peace Manasota Basin Area

RULE CHAPTER NO.: 5M-5

RULE TITLES:	RULE NOS.:
Purpose	5M-5.001
Approved Citrus BMPS	5M-5.002
Presumption of Compliance	5M-5.003
Notice of Intent to Implement	5M-5.004
Record Keeping	5M-5.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(d), F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., December 3, 2004

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399-1650