

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-4.0021	Florida Teacher Certification Examinations

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to adopt the Twelfth Edition of the FTCE Competencies and Skills for the Florida Teacher Certification Examinations, to implement changes to the subject area competencies and skills. The rule also will specify the effective dates for implementation of the competencies and skills. The effects of these changes are that the updated competencies and skills for the subject area examinations will be available to examination candidates and the examinations will be updated to include these competencies and skills. In addition, the amendment will address the addition of online registration applications.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.55(1), 1012.56, 1012.59 FS.

LAW IMPLEMENTED: 1012.56 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: January 22, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Department of Education, Suite 414, 325 West Gaines Street, Tallahassee, FL 32399-0400

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Office of Equity and Access at (850)245-0511. 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: Dr. Cornelia Orr, Administrator, Office of Assessment and School Performance, (850)245-0513

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-3 Regulation of Wells

RULE NO.: RULE TITLE:

40D-3.042 Multiple Wells Under a Single Permit

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to clarify the requirement that a single permit may be obtained for the construction of a multi-zone monitor well. This type of well, as it is usually constructed, consists of multiple observation tubes for monitoring different depths, all located within a single larger diameter well casing. A separate well completion report is required for each of the monitor tubes. The completion reports identify the zones being monitored in the well. The proposed rule language will help clarify current existing practices.

SUBJECT AREA TO BE ADDRESSED: Permitting construction of multi-zone monitor wells under a single permit.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.106(1), 373.309 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.042 Multiple Wells Under a Single Permit.

(1) The construction, repair, modification or abandonment of:

(a) Up to eight (8) sandpoint irrigation, monitor, recovery, dewatering, or gang wells 4 inches or less in diameter; or

(b) ~~A~~ class V air conditioning heat pump system consisting of one supply well and one return well; may be included under one + permit provided the conditions of subsection (2) are met.

(2) A multiple well permit as described in subsection (1) will be issued provided:

(a)1- The wells are constructed in the same geologic material, completed in the same hydrogeologic unit, and drilled on a contiguous tract of land owned or controlled by the same individual or entity; and

(b)2. Each well is the same diameter and constructed of a similar material.

(3)(2) The District requires both a supply well and a return well in the construction of an open heat pump system. A supply well without a return well is not permitted.

(4) The District will authorize multi-zone monitor wells consisting of multiple observation tubes monitoring different depths all located in a single larger diameter well casing under a single permit. Provisions listed in subsection (2) do not apply to this type of well.

(5) When a single well construction permit is issued for multiple wells as described above, a separate well completion report is required for each of the wells or tubes.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.106(1), 373.309 FS. History–New 12-31-92, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-5.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to update the definitions of “experience.”

SUBJECT AREA TO BE ADDRESSED: The updated definition of “experience.”

SPECIFIC AUTHORITY: 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 489.505(10), (12), 489.511(2)(a)3.c. 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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.001 Definitions.

As used in this chapter:

(1) through (10) No change.

(11) "Experience" means informal exposure to the trade wherein knowledge and skill is obtained ~~via direct observation~~ or by participation in the electrical or alarm contracting trade.

(12) through (16) No change.

Specific Authority 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.505(10), (12), 489.511(2)(a)3.c. FS. History–New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, 10-1-03, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-31.001
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.: 63G-2.004
 63G-2.0045
 63G-2.005
 RULE TITLES: Staffing and Operations
 Intake and Orientation
 Security

63G-2.006 Treatment, Training and Education of Youth
 63G-2.011 Medical Treatment, Health and Comfort

PURPOSE AND EFFECT: The amendments reflect changes to the process by which youths are received at a secure detention facility. Forms are updated.

SUBJECT AREA TO BE ADDRESSED: The process for receiving youths at a secure detention facility.

SPECIFIC AUTHORITY: 985.601(9) F.S.

LAW IMPLEMENTED: 985.601(9)(b) F.S.

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

DATE AND TIME: Tuesday, January 16, 2007, 1:00 p.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, Ste. 312, General Counsel's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-12.002 Citations

PURPOSE AND EFFECT: The purpose of rule amendment is to clarify the penalty for failure to comply with CE requirements.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077(1), (2), 483.805(4), 483.827 FS.

LAW IMPLEMENTED: 456.077(1), (2), 483.827 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-12.002 Citations.

(1) through (3)(e) No change.

~~(f) Failure to comply with continuing education requirements pursuant to Rule 64B3-11.001, F.A.C.~~

~~(f)(g)~~ Failure to report to the Board in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction as required by Section 456.072(1)(w), F.S.

~~(g)(h)~~ Failure to report to the Board in writing within 30 days of action taken against a license to practice by another jurisdiction as required by Section 483.825(1)(k), F.S.

~~(h)(i)~~ Failure to comply with a portion of a Final Order of the Board due to negligence pursuant to Section 483.825(1)(n), F.S.

(4) Failure to document continued education a fine of \$50.00 per hour shall be imposed.

~~(5)(4)~~ In addition to the penalties established in this rule, the Department shall recover the costs of investigation. The penalty specified in the citation shall be the sum of the penalty established by this rule plus the Department's cost of investigation.

~~(6)(5)~~ If the subject disputes any matter contained in the citation, within thirty days after service, the Department shall follow the procedure set forth in Section 456.073, F.S. Otherwise, the citation shall become a final order of the Board.

~~(7)(6)~~ The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued.

Specific Authority 456.077(1), (2), 483.805(4), 483.827 FS. Law Implemented 456.077(1), (2), 483.827 FS. History—New 8-3-93, Formerly 61F3-12.002, 59O-12.002, Amended 4-10-01, 9-9-02, 2-24-04,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-1.007 List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address revised forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of revised forms.

SPECIFIC AUTHORITY: 120.55(1)(a), (4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.001
RULE TITLE: Criteria for License Renewal
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirement for payment of NICA dues as a criteria for license renewal.
SUBJECT AREA TO BE ADDRESSED: Criteria for license renewal.

SPECIFIC AUTHORITY: 458.309 FS.
LAW IMPLEMENTED: 456.013(6), 458.319, 458.320 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: Larry McPherson, Jr., 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 NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-37.001
RULE TITLE: Minimum Qualifications for the Performance of Electromyography
PURPOSE AND EFFECT: The Board proposes the development of a rule to address the minimum qualifications for the performance of electromyography by physical therapists.

SUBJECT AREA TO BE ADDRESSED: The minimum qualifications for the performance of electromyography by physical therapists.

SPECIFIC AUTHORITY: 458.309 FS.
LAW IMPLEMENTED: 486.021(11) 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: Larry McPherson, Jr., 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 NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: 5L-1
RULE CHAPTER TITLE: Comprehensive Shellfish Control Code
RULE NO.: 5L-1.003
RULE TITLE: Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: These amendments propose to reclassify the shellfish harvesting areas #28 Suwannee Sound and #92 North St. Johns. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommend reclassification of the Suwannee Sound shellfish harvesting area and the North St. Johns shellfish harvesting area. This amendment further proposes to amend the shellfish harvesting map for #1621 Apalachicola Bay Approved Summer.

SUMMARY: The proposed reclassification of the Suwannee Sound shellfish harvesting area for the winter months will decrease the size of the conditionally approved area by 5,003 acres, from 71,467 acres to 66,464 acres, increase the size of the conditionally restricted area by 4,804 acres, from 26,591 acres to 31,395 acres, and increase the size of the prohibited area by 196 acres, from 4,697 acres to 4,893 acres. The proposed reclassification of the Suwannee Sound shellfish harvesting area for the spring and summer months will decrease the size of the conditionally approved area by 4,189 acres, from 71,467 acres to 67,278 acres, increase the size of the conditionally restricted area by 4,753 acres, from 26,591 acres to 31,344 acres, and decrease the size of the prohibited area by 252 acres, from 4,697 acres to 4,445 acres.