

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be \$125 ~~\$150~~ each.

~~Rulemaking Specific~~ Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History–New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, 9-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-12.002	Definitions
5M-12.004	Plan Development and Revision
5M-12.006	BMP Record Keeping

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

5M-12.001 No change.

5M-12.002 Definitions.

(1) “Conservation plan” means a record of the decisions and supporting information for treatment of a unit of land or water, approved by USDA/NRCS or certified by a Technical Service Provider, which meets the requirements of Rule 5M-12.004, F.A.C.

(2) through (4) No change.

(5) “Notice of Intent” means a form provided by the Department to be submitted by the producer to enroll in BMPs.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History–New _____.

5M-12.003 No change.

5M-12.004 Plan Development and Revision.

(1) The conservation plan shall be developed in accordance with the USDA/NRCS National Planning Procedures Handbook Amendment 4, December 2006 (hereby adopted and incorporated by reference), and shall be consistent with quality criteria for soil, water quality, and water quantity contained in Florida’s Quality Criteria, Section III (A), of the USDA/NRCS Field Office Technical Guide (FOTG), April 2005 (hereby adopted and incorporated by reference). These documents may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.floridaagwaterpolicy.com/bestmanagementpractices.html> <http://www.nrcs.usda.gov/Technical/efotg/>.

(2) The conservation plan shall include identify:

(a) As listed in Section III B of the FOTG, March 2005 (hereby adopted and incorporated by reference), all the essential conservation practices for the identified land uses on the operation, and the applicable facilitating conservation practices that support quality criteria for soil, water quality, and water quantity contained in Section III A of the USDA/NRCS FOTG, April 2005. Section III B of the FOTG, March 2005, may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510, or accessed online at: <http://www.nrcs.usda.gov/Technical/efotg/> or <http://www.floridaagwaterpolicy.com/bestmanagementpractices.html>.

(b) A completed copy of the BMP checklist ~~All applicable BMPs contained in each manual adopted by the Department under Title 5M, F.A.C., that is applicable adopted manuals relevant to the operation. The producer shall complete and include in the plan the BMP checklists from the relevant manuals;~~

(c) The schedule of operations and activities needed to address all identified soil and water quality and water quantity issues, which provides for implementing:

1. As soon as practicable within one year after submitting the ~~of~~ Notice of Intent (NOI) submittal, the applicable non-structural nutrient and irrigation management practices.

2. As soon as practicable within two years after submitting the ~~of~~ NOI submittal, the remaining applicable practices, except for practices that require more time to implement, as specified in the plan.

(d) All applicable record-keeping requirements, including the relevant requirements in Rule 5M-12.006, F.A.C.; and

(e) The date of plan completion or revision.

~~(3) The plan shall be approved by USDA/NRCS or certified by a Technical Service Provider that it incorporates the relevant FOTG criteria and practices referenced in subsections (1) and (2).~~

~~(3)(4) The plan shall be reviewed at least every five years, and updated as necessary to continue to meet the requirements of this rule. If the Department adopts or revises any BMP manuals applicable relevant to the operation subsequent to plan completion, the producer shall include in the plan a completed copy of the BMP checklist contained in the new or revised manual incorporate any additional applicable BMPs into the plan.~~

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History--New _____.

5M-12.005 No change.

5M-12.006 BMP Record Keeping.

Participants must preserve documentation to confirm implementation and maintenance of the BMPs contained in the conservation plan submitted with the NOI. All documentation is subject to inspection. Record keeping shall include:

(1) As applicable to the operation, documentation specified in the conservation plan ~~USDA/NRCS FOTG~~.

(2) Records specified for any ~~applicable~~ BMPs in ~~Department adopted~~ manuals adopted by the Department under Title 5M, F.A.C., that are applicable relevant to the operation.

Rulemaking Authority 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. Law Implemented 403.067(7)(c)2., (13)(b), 570.07(23), 570.085 FS. History--New _____.

5M-12.007 No change.

5M-12.008 No change.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE
6A-6.0788 Notice Requirements for Charter School Performance Data

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 6, February 12, 2010 Florida Administrative Weekly has been continued from May 18, 2010 to June 15, 2010.

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.: RULE TITLES:
27M-4.001 Definitions and Forms
27M-4.003 Certification Decision

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

27M-4.001 Definitions and Forms.

As used in Rules 27M-4.001, 27M-4.002, and 27M-4.003, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at <http://www.flgov.com/ottd> home or may be obtained from the Office.

(1) No change.

(2) "Applicant" means a corporation that seeks selection under Section 288.1081, F.S., as a Recipient of funds to provide loans pursuant to the Act.

(3) "Application" means the standard "Application for Selection as Loan Administrator under the Economic Gardening Business Loan Pilot Program" form OTTED 8102-1 (3/09), which is hereby incorporated by reference.

(4) "Application Evaluation Form" means the standard "Economic Gardening Loan Pilot Program Application Evaluation" form OTTED 8102-2 (3/09), which is hereby incorporated by reference.

(5) "Application Period" means the period during which Applicants submit Applications, which shall be received by the Office between May 18 through June 5 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

(6) "Eligible" means that an Applicant has demonstrated it is a Florida Corporation not-for-profit incorporated under chapter 617 which has its principal place of business in Florida, has five years of verifiable experience of lending to businesses in Florida and have satisfied of each of the requirements specified in Section 288.1081, F.S.

(7) "Loan Administrator" means an Applicant that, after a competitive selection process, the Office selects to receive Program funds.

(8) "Office" means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(9) "Program" means the Economic Gardening Business Loan Pilot Program established by Section 288.1081, F.S.

(10) “Review Committee” means a committee of no more than eight (8) individuals selected by the Office which includes representation from the finance and lending community, Enterprise Florida, and the business community or a representative of the business community.

(11) “Summary Ranking and Recommendation Form” means standard “Economic Gardening Business Loan Pilot Program Summary Ranking and Recommendation Form” form OTTED 8102-3 (3/09), which is hereby incorporated by reference.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History—New _____.

27M-4.003 Certification Decision.

(1) Within ten (10) business days after receiving the Summary Ranking and Recommendation Form and supporting materials, the Office shall notify the Applicant or Applicants that has/have been selected by the Review Committee as the Loan Administrator.

(2) The Office shall issue a letter to each Applicant selected as a Loan Administrator. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient’s execution of a contract with the Office. The Office shall notify in writing each Applicant whose Application is denied. The Office’s certification shall be subject to review under Chapter 120 of the Florida Statutes.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History—New _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:
58A-5.0186 Do Not Resuscitate Orders (DNROs)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to proposed rule published in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly. The rule number 58A-5.0183 Do Not Resuscitate Orders (DNROs), which was referenced in the above publication of the Florida Administrative Weekly, has been renumbered to rule number 58A-5.0186. Rule 58A-5.0183 Reports of Abuse in Facilities was previously repealed and cannot be reused.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-13.051 Assisted Living for the Elderly
 Waiver Services Procedure Codes
 and Fee Schedule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

PURPOSE AND EFFECT: The purpose of proposed Rule 59G-13.051, F.A.C., is to incorporate by reference the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, November 2009. The proposed rule will create a stand-alone rule regarding the procedure codes and fee schedule.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.051 Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule.

(1) This rule applies to all Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living for the Elderly Waiver Services Procedure Codes and Fee Schedule, ~~November July~~ 2009, which is incorporated by reference. The Procedure Codes and Fee Schedule is available from the Medicaid fiscal agent’s Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carol Schultz

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009 ~~June 16, 2009~~

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE NOS.:	RULE TITLES:
60D-15.001	Definitions and Incidental Policies
60D-15.002	Agencies’ Procedures for Contracting with Continuing Contract Entities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 8, February 26, 2010 issue of the Florida Administrative Weekly.

60D-15.001 Definitions and Incidental Policies.

(1) through (3) No change.

(4) "Competitive negotiation standards" means the methodology established in Rule 60D-5.0091, Florida Administrative Code, for determining fair, competitive and reasonable costs and the process of successive negotiations with the next most qualified continuing contract entity.

(5) through (8) No change.

60D-15.002 Agencies' Procedures for Contracting with Continuing Contract Entities.

(1) All state agencies serving as the managing agency of a state-owned facilities or a state construction site are authorized to utilize the services of any current Department contract through activation.

(2) through (3) No change.

(4) All activations shall be determined by the contracting agency. Determination shall be based on the needs of the individual project and any qualifications and performance data of the continuing contract entity on file with the activating agency.

(5) through (8) No change.

(9) Before contracting with a continuing contract entity, an agency shall first submit a list of employees qualified to serve as Agency Project Managers as defined by Rule 60D-15.001, Florida Administrative Code. ~~All submitted list shall be accompanied by a copy of each employee's active license that qualifies them as a Agency Project Manager. All submitted lists shall be accompanied by a copy of each employees' active license that qualifies them as an agency Project Manager.~~ An agency cannot contract with a continuing contract entity unless the agency employs a Department approved Agency Project Manager.

(10) through (11) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-4.0161 RULE TITLE: Mobile Food Dispensing Vehicles and Theme Park Food Carts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) through (8) No change.

(9) Copies of all forms adopted in this section are available from the Division of Hotels and Restaurants Internet website www.MyFloridaLicense.com/dbpr/hr; by e-mail to call.center@dbpr.state.fl.us; by phone request to the department at (850)487-1395; or upon written request to the

Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1014.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.101, 509.211, 509.215, 509.221 FS. History--New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, _____.

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 HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.003 RULE TITLE: Licensure by Endorsement NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

1. The revision date of the form shall be changed to 02/10.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001 RULE TITLE: Licensure as a Physical Therapist by Examination NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

1. The revision date of the form shall be changed to 02/10.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-1.004 RULE TITLE: Definitions

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 Florida Administrative Weekly has been continued from February 17, 2010 to September 1, 2010.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-27.0011	Killing Endangered Species
68A-27.0012	Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern
68A-27.002	Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits
68A-27.003	Designation of Endangered Species; Prohibitions; Permits
68A-27.004	Designation of Threatened Species; Prohibitions; Permits
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits
68A-27.006	Reward Program

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 2, January 15, 2010 Florida Administrative Weekly has been continued from February 17, 2010 to September 1, 2010.

**Section IV
Emergency Rules**

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."

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."

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 29, 2010, the Criminal Justice Standards and Training Commission has issued an order.

A petition for permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., was received from Angelo Rainey on February 12, 2010. Petitioner requested a waiver of the rule requiring him to wait four years after quitting one temporary employment authorization (TEA) before beginning another TEA. Notice of the petition was published in the Florida Administrative Weekly, Vol. 36, No. 8, on February 26, 2010. The telephonic hearing on the petition was held March 29, 2010. Petitioner was employed on a Temporary Employment Authorization (TEA) by the Department of Corrections (DC) on January 11, 2008 and was assigned to DC, Region 2 in Jacksonville, Florida. Petitioner lived in Miami, Florida, and was serving in the Florida Army National Guard in Miami, Florida. Petitioner had frequent conflicts between his employment in Jacksonville and his commitment to the National Guard. Petitioner states that his Department of Corrections supervisor told him that his first responsibility was to his TEA employment with DC. Petitioner provided evidence that his commanding officers in the National Guard attempted to resolve the issue with DC. Petitioner was coded Absent Without Leave (AWOL) as a result of missed National Guard drills. Petitioner resigned his TEA with DC in order to resolve the AWOL issue with the National Guard. Petitioner now wishes to return to employment as a correctional officer on a TEA. Paragraph 11B-27.00213(4)(b), F.A.C., requires individuals who have not completed a TEA to have a four-year break in service from the last date worked prior to beginning another TEA. Section 943.131(1)(a), F.S., requires those employed on a TEA to complete basic recruit training within 18 months of commencing basic recruit training, and to pass the State Officer Certification Examination within 180 days of completing basic recruit training. Section 943.131(1)(b), F.S., makes it impossible for a person to be employed on at TEA for more than 30 months, or to change employers while on a TEA. The Commission found that the application of the rule to Petitioner's situation would violate the principles of fairness because it would affect him in a manner different from the way that it affects other similarly situated persons who are subject to the rule. The Criminal Justice Standards and Training Commission granted the Petitioner a permanent waiver of paragraph 11B-27.00213(4)(b), F.A.C., in its order issued March 29, 2010. The order grants Petitioner a waiver of that