

6. ~~Special opportunity Dove Club and Daily Dove permits shall be issued on a first come, first served basis.~~

(4) through (5) No change

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 5-19-80, 6-22-80, 12-29-80, 6-4-81, 8-4-81, 6-21-82, 7-29-82, 7-1-83, 7-5-84, 7-1-85, 9-19-85, Formerly 39-15.05, Amended 5-7-86, 6-10-86, 5-10-87, 6-8-87, 10-8-87, 4-13-88, 6-7-88, 7-1-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 8-23-92, 7-1-93, 7-1-94, 3-30-95, 6-20-95, 8-15-95, 4-1-96, 6-27-96, 9-15-96, 10-20-96, 6-1-97, 8-7-97, 11-23-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 5-13-99, Formerly 39-15.005, Amended 12-9-99, 4-30-00, 7-1-01, 8-1-01, 11-1-01, 5-13-02, 10-16-02, 5-1-03, 7-1-03, 9-29-03, 7-1-04, 7-2-04, 8-1-04, 5-1-05, 5-1-06, 6-1-06, 5-1-07, 7-1-08, 5-1-09, 6-1-10, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Hunter, Director, Office of Licensing and Permitting, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

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

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. 15, April 16, 2010 issue of the Florida Administrative Weekly.

(2)(c)1. Before January 1, 2011 the general knowledge competencies and skills as contained in the publication, “Competencies and Skills Required for Teacher Certification in Florida, Fourteenth Edition.” Beginning with the January 1, 2011, test administration, the general knowledge competencies

and skills as contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition.” Copies of these publications may be obtained from the Department’s web site at <http://www.fldoe.org/asp/ftce/>.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0787	Ballot Process for Teacher and Parent Voting for Charter School Conversion Status

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. 15, April 16, 2010 issue of the Florida Administrative Weekly.

(1) Initiation of ballot process. A district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least two (2) years may submit a request in writing to the school administrator to conduct a vote for conversion. ~~Any individual or group may submit a request in writing to the school administrator to conduct a vote for conversion.~~ The request shall be submitted no later than ninety (90) days prior to the August 1 deadline for charter applications. The administrator shall initiate the ballot process within sixty (60) days of receipt of the written request and the ballot process shall be completed no less than thirty (30) days prior to the charter application deadline.

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.”

PUBLIC SERVICE COMMISSION

RULE NO.:	RULE TITLE:
25-4.0665	Lifeline Service

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. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Docket No. 090504-TP

The following changes have been made to the proposed rule:

25-4.0665 Lifeline Service.

(1) A subscriber is eligible for Lifeline service if:

(a) the subscriber is a participant in one of the following federal assistance programs:

1. Medicaid;

- 2. Food Stamps;
- 3. Supplemental Security Income (SSI);
- 4. Temporary Assistance for Needy Families/Temporary Cash Assistance;
- 5. "Section 8" Federal Public Housing Assistance ~~(42 U.S.C. sec. 1437f (2009), which is incorporated herein by reference);~~
- 6. Low-Income Home Energy Assistance Program; or
- 7. The National School Lunch Program – Free Lunch; or
- (b) the subscriber’s eligible telecommunications carrier has more than one million access lines and the subscriber’s household income is at or below 150 percent of the federal poverty income guidelines.
 - (2) A subscriber living on federally recognized Tribal lands who does not satisfy the eligibility requirements for Lifeline service in subsection (1) of this rule is nevertheless eligible for Lifeline service if the subscriber receives benefits from one of the following Bureau of Indian Affairs programs:
 - (a) Tribal temporary assistance for needy families (TANF);
 - (b) NSL Program – Free Lunch; or
 - (c) Head Start.
 - (2) through (16) renumbered (3) through (17) No change.
 - ~~(18)~~(17) Eligible telecommunications carriers may not charge a service deposit in order to initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll ~~limitation control~~. If the subscriber elects not to place toll blocking or toll control on the line, an eligible telecommunications carrier may charge a service deposit.
 - (18) through (19) renumbered (19) through (20) No change.

Rulemaking Authority 120.80(13)(d), 350.127(2), 364.0252, 364.10(3)(j) FS. Law Implemented 364.0252, 364.10, 364.105, 364.183(1) FS. History–New 1-2-07, Amended 12-6-07,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-2.091	Publications Incorporated by Reference
40D-2.321	Duration of Permits

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. 34, August 28, 2009 issue of the Florida Administrative Weekly.

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. 34, August 28, 2009, Vol. 35, No. 36, September 11, 2009, Vol. 35, No. 51,

December 24, 2009, Vol. 36, No. 6, February 12, 2010, Vol. 36, No. 9, and March 5, 2010, issues of the Florida Administrative Weekly.

Changes are made to address comments received from the public on Rules 40D-2.091 and 40D-2.321, F.A.C., which are part of the rules referred to as "20-Year WUP rules". The 20-Year WUP rules consist of amendments to Rules 40D-1.607, 40D-2.091, 40D-2.301, and 40D-2.321, F.A.C., and proposed Rule 40D-2.322, F.A.C. The changes to certain of the 20-Year WUP rules are as follows:

The following document is incorporated by reference in Rule 40D-2.091 and paragraph 6. of section 2.1 is changed as follows:

**WATER USE PERMIT INFORMATION MANUAL
PART B, BASIS OF REVIEW**

2.0 ADMINISTRATIVE CONSIDERATIONS

2.1 CONTROL OF PROPERTY AND ACTIVITIES

6. Permittee shall periodically confirm that the permittee’s use of the water continues to be consistent with the permit (e.g., irrigation of 100 acres of citrus) and that the permittee is the person or entity currently conducting the water use authorized by the permit ~~water use activities conducted by the permittee continue to be consistent with the permit and that the information included in the permit continues to be accurate.~~ The dates for this confirmation will be specified in water use permits based upon the use type authorized by the permit and the likelihood that the water use activities and information in the permit will change over the duration of the permit.

The following change is made to subsection 40D-2.321(5):

40D-2.321 Duration of Permits.

(1) through (4) No change.

(5) Permits with a duration greater than 10 but less than 20 years as provided in subsection (1) above shall be granted based upon, at the time of application, the period of time for which the applicant demonstrates a demand and provides reasonable assurance that the proposed use meets the conditions for issuance in Rule 40D-2.301, F.A.C., and the criteria in Part B, Basis of Review, of the Water Use Permit Information Manual.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.300	State Mental Health Hospital Services

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. 10, March 12, 2010 issue of the Florida Administrative Weekly.

The amendment to Rule 59G-4.300, F.A.C., incorporates by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010, AHCA-Med Serv Form 034, January 2008, and the Florida Medicaid Provider Reimbursement Handbook, UB 04, July 2008, which is incorporated in Rule 59G-4.200, F.A.C.

The following changes have been made to the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, January 2010.

Page 1-4 Pharmacy Services. This section is changed to read as follows:

State mental health hospitals are required to make available the services of a licensed pharmacist on a full time or contractual basis to dispense routine and emergency prescription drugs.

Page 2-11 Introduction. This section is changed to read as follows:

Admission and discharge procedures for state mental health hospitals are contained in Section 394.4625 through Section 394.469, F.S.

Page 2-15 Seclusion and Restraints. This section is changed to read as follows:

State mental health hospitals must comply with seclusion and restraint regulations as specified in Rule 65E-5.180, Florida Administrative Code.

In addition to state requirements, Title 42 Code of Federal Regulations 482.13 regulates the use of seclusion and restraints. These federal requirements may be accessed at <http://www.gpoaccess.gov/ecfr/>.

The following changes have been made to Appendix A AHCA-Med Serv Form 034 Physician Certification.

Item 6 is changed to read as follows:

6. Meets the following clinical criteria: (42 CFR § 441.102, 42 CFR § 441.103, section 409.966(22), Florida Statutes).

- _____ A. Ambulatory care resources available in the community do not meet the treatment needs of the individual.
- _____ B. Proper treatment of the individual's psychiatric condition requires services on an inpatient basis under the direction of a psychiatrist.
- _____ C. Services can reasonably be expected to improve the individual's condition or prevent further regression so that the services will no longer be needed.

The Footer at bottom of the form is changed to read as follows: AHCA-Med Serv Form 034, Page 1, January 2008, incorporated by reference in Rule 59G-4.300, F.A.C.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: 61E13-2.010 RULE TITLE: Notice of Intended Agency Action
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 36, No. 7, of the February 19, 2010, issue of the Florida Administrative Weekly. The change is due to concerns by the Joint Administrative Procedure Committee in their letter dated March 26, 2010. The rule shall now read as follows:

61E13-2.010 Notice of Intended Agency Action.

~~The written order expressing the notice of intended agency action shall be filed with the agency clerk of the Department.~~ The applicant shall be given written notice by service of the written order of intended agency action, by certified mail. In addition, a copy of the written order shall be mailed to each person who has previously requested copies of such orders. Notice of the intent to modify the pilotage rates in that port shall ~~also~~ be published in the next available Florida Administrative Weekly and in a newspaper of general circulation in the affected port area, on the Department of Business and Professional Regulation's website for 21 days, and shall be mailed to any person who has formally requested notice of any rate change in the affected port area. The published notice shall ~~may~~ be in the form of a summary of the intended agency action rather than the complete written order of intended agency action.

Rulemaking Specific Authority 310.151(1)(c) FS. Law Implemented 310.151, 120.57 FS. History--New 8-8-95, Amended _____.

NAME OF PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-31.0011 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

The correction is as follows:

The rule number is being changed to 61G5-31.0011. This change does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750.

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 Acupuncture

RULE NO.: 64B1-4.0011 RULE TITLE: Documentation Necessary for Licensure Application

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-1.021 RULE TITLE: List of Approved Forms; Incorporation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 21, May 29, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-4.004 RULE TITLE: Advertising Specialty Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.003 RULE TITLE: Trainee Stages, Minimum Training Requirements, and Training Program

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. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The change is in response to comments from the Joint Administrative Procedures Committee. The change is as follows:

1. The revision date of Form 1159 shall not be changed to 04/09 and will remain the same.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0092 RULE TITLE: Approval of Physician Office Accrediting Organizations

NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on Rule 64B8-9.0092, F.A.C., to be held on Saturday, June 5, 2010, at 8:00 a.m., at the Embassy Suites, 1100 S.W. 17th Street, Fort Lauderdale, Florida 33316. The rule was originally published in Vol. 36, No. 11, of the March 19, 2010, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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 office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001 RULE TITLE: Disciplinary Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001 RULE TITLE: Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.012 RULE TITLE: Application Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

Although the rule notice stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and was available, the notice did not summarize the SERC. The following is a Summary of the Statement of Estimated Regulatory Costs: 1) The number of applications received each year will vary so the precise number impacted in future years is not available; 2) The only costs to be incurred are rule making costs; 3) No transitional costs are expected to be incurred by applicants or other entities by the proposed modification; and 4) The proposed rule is not expected to impact small business, small counties or small cities.

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above. The person to be contacted regarding this rule is: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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 TRANSPORTATION

NOTICE IS HEREBY GIVEN that on April 21, 2010, the Department of Transportation has issued an order.

Ensite, Inc., filed a Petition for Variance and Waiver on March 5, 2010. The petition requested a variance from the five year post-registration experience qualification requirement for landscape architecture under subparagraph 14-75.003(5)(m)2., F.A.C. The petition was published March 19, 2010, in the

Florida Administrative Weekly. Based on Ensite's Director of Landscape, Jonathan L. Romine, having ten years of landscape industry experience, including six years of Florida roadway landscape projects, an Order Granting Petition for Variance has been entered. Ensite shall be deemed qualified to perform work for the Department in Standard Work Type Group 15.

A copy of the Order may be obtained by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee St., MS #58, Tallahassee, FL 32399-0458.

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

NOTICE IS HEREBY GIVEN THAT on April 15, 2010, the St. Johns River Water Management District, received a petition for variance from the St. Augustine-St. Johns County Airport Authority. Pursuant to Section 373.414(17), F.S., the airport seeks a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 40-109-28307-40, to construct the "Runway Safety Area and Spoil Island Restoration Project" and the "Taxiway C Replacement, Tidal Canal Relocation, and Runway Safety Area Improvement Project." The airport proposes to construct directly in the Tolomato River, which is classified by the Department of Agriculture and Consumer Services as conditionally restricted for shellfish harvesting. The petitions have been assigned to F.O.R. Numbers 2010-18 and 2010-19. Comments on these petitions should be filed with Sandra Bertram, Acting District Clerk, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Tara Boonstra, Assistant General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on April 22, 2010, the Agency for Workforce Innovation, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a