

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-1.006	Definitions
5H-1.007	Content of Dealers Records
5H-1.008	Guidelines for Imposing Administrative Penalties

PURPOSE AND EFFECT: To provide a definition of tropical foliage, define the contents of records to be kept by licensed dealers in agricultural products, and to provide guidelines for imposing administrative penalties for violations.

SUBJECT AREA TO BE ADDRESSED: ADL (Agricultural Dealer’s Licenses).

RULEMAKING AUTHORITY: 604.27 FS.

LAW IMPLEMENTED: 604.15, 604.22, 604.27, 604.30 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: Chris Green, Chief, Bureau of Agricultural Dealer’s Licenses, 407 South Calhoun Street, 2nd Floor, Mayo Building, Tallahassee, Florida 323299-0800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5H-1.006 Definitions.

For the purpose of this chapter, the definitions in Section 604.15, Florida Statutes, and the following shall apply. Tropical foliage means any kind of herbaceous plants, originally from tropical climates, that are grown and sold as potted plants, cut foliage or interiorscape primarily for the decorative value of their leaves. Excluded from this definition are woody temperate zone plants, such as trees, shrubs or woody vines

Rulemaking Authority 604.27 FS. Law Implemented 604.15, 604.27 FS. History–New _____.

5H-1.007 Content of Dealers Records

In accordance with Section 604.22, Florida Statutes, each licensed dealer shall preserve for at least eighteen (18) months a record of each transaction involving agricultural products. The preserved record may take the form of an invoice, bill of sale, manifest, or other written document showing the date of

sale, the name and address of the seller, and the kind or common name and quantity of each agricultural product included in the transaction.

Rulemaking Authority 604.27 FS. Law Implemented 604.22, 604.27 FS. History–New _____.

5H-1.008 Guidelines for Imposing Administrative Penalties.

(1) This rule sets forth the guidelines the Department will follow in imposing the penalties authorized under Chapter 604, F.S. These guidelines list aggravating and mitigating factors that, if present, will reduce or increase penalties to be imposed. No aggravating factors will be applied to increase a fine imposed for a single violation above the statutory maximum of \$2,500 per violation. Multiple counts of the violated provision or a combination of the listed violations will be added together to determine an overall total penalty and will be grounds for enhancement of penalties.

(2) The Department will enforce compliance with Chapter 604, F.S., and this rule chapter by issuing an Administrative Complaint for violations.

(3) Aggravating and Mitigating Factors. The Department will consider aggravating and mitigating factors in determining the penalty to be imposed for violations of Chapter 604, F.S., and this rule chapter. The factors shall be applied against each single count of the listed violation.

(a) Aggravating Factors:

1. Whether a complaint(s) have been filed against the Respondent by a producer (or their agent) of agricultural products in Florida.
2. The violation caused or has the potential to cause harm to a Florida agricultural producer and the degree or extent of such harm.
3. Previous violations for the same or a similar offense that resulted in enforcement action.
4. The length of time the business has been in operation and the violation history over the past three years.
5. The violation existed for an extended period of time.
6. The violation was repeated within a short period of time.
7. The violator impeded, or otherwise failed to cooperate with, the Department’s inspection and/or investigation.
8. Previous disciplinary action against the violator in this or any other jurisdiction and the deterrent effect of the penalty imposed.
9. Undue delay in initiating or completing, or failure to take, affirmative or corrective action after receipt of the Administrative Complaint.
10. Whether the violation resulted from negligence or an intentional act.
11. The cost of enforcement action.

12. The number of other violations proven in the same proceeding.

13. The economic benefit to the violator.

(b) Mitigating Factors:

1. Any documented efforts by the violator at corrective action.

2. Whether intentional actions of another party prevented the violator from complying with the applicable laws or rules.

3. Financial hardship.

4. Acts of God or nature that impairs the ability of the violator to comply with Chapter 604, F.S., and this rule chapter.

5. The violation has a low risk of, or did not result in, harm to a Florida agricultural producer.

6. The violator expeditiously took affirmative or corrective action after it received written notification of the violation.

7. The number and seriousness of the counts in the Administrative Complaint.

8. If a repeat violation, whether three years has passed since the prior violation.

(4) Penalties.

(a) Minor Violations. A violation of Chapter 604, F.S., or this rule chapter is a minor violation if it does not result in economic or physical harm to a Florida producer or create a significant threat of such harm. Minor violations shall result in the issuance of an Administrative Complaint and imposition of an administrative fine of \$500.00 per violation, for first time offenders. Aggravating factors, as defined in paragraph (3)(a) of this rule, shall warrant the adjustment of the fine upward, but no fine shall exceed the statutory maximum as outlined in Section 604.30(3)(a), F.S. Mitigating factors, as defined in paragraph (3)(b) of this rule, shall warrant the adjustment of the fine downward. For the purposes of this rule, the following violations shall be considered minor violations:

1. Failure to have a license pursuant to Section 604.17, F.S., where the surety bond or certificate of deposit required under Section 604.20(1), F.S., is less than \$15,000.

2. Failure to provide delivery tickets after delivery of grain, Section 604.32, F.S.

3. Failure to submit monthly grain dealer reports, Section 604.33, F.S.

(b) Major Violations. A violation of a Chapter 604, F.S., or this rule chapter is a major violation if it results in economic or physical harm to a Florida producer or creates a significant threat of such harm. Major violations shall result in the issuance of an Administrative Complaint and imposition of an administrative fine of \$1,000.00 per violation, for first time offenders, and \$2,500 per violation, for second-time or repeat offenders. Aggravating factors, as defined in paragraph (3)(a) of this rule, shall warrant the adjustment of the fine upward, but no fine shall exceed the statutory maxima as outlined in Section 604.30(3)(a), F.S. Mitigating factors, as defined in

paragraph (3)(b) of this rule, shall warrant the adjustment of the fine downward. For the purposes of this rule, the following violations shall be considered major violations:

1. Failure to have a license pursuant to Section 604.17, F.S., where the surety bond or certificate of deposit required under Section 604.20(1), F.S., is equal to or greater than \$15,000.

2. Failure to have a license pursuant to Section 604.17, F.S., when a Florida producer has filed a claim against the Respondent under Section 604.21, F.S.

3. Failure to increase the amount of surety bond or certificate of deposit after receiving notice that such increase is required under Section 604.20(2), F.S.

4. Failure to produce records upon request pursuant to Sections 604.22 and 604.23, F.S.

5. Failure to maintain security requirements pursuant to Section 604.33, F.S.

6. Any violation of Chapter 604, F.S., or this rule chapter occurring within three years of the issuance of an Administrative Complaint or Final Order, or the date of entry of a settlement agreement or Satisfaction of Final Order.

(c) Willful Violations.

Any willful and intentional violation of Chapter 604, F.S., this rule chapter, a Final Order, or the conditions stipulated in a settlement agreement shall result in the imposition of an administrative fine of \$2,500 per violation.

(5) A violator who fails to pay an administrative fine imposed by a Final Order for violations of Chapter 604, F.S., or this rule chapter within 15 days of the order's entry by the Department shall be subject to suspension or revocation of the dealer's license and an additional fine not to exceed \$100.00 per day while in violation of such order.

(6) In addition to the penalties established in this rule, the Department reserves the right to seek to recover any other costs, penalties, attorney's fees, court costs, service fees, collection costs, and damages allowed by law. Additionally, the Department reserves the right to seek to recover any costs, penalties, attorney's fees, court costs, service fees, collection costs, and costs resulting from a payment that is returned for insufficient funds to the Department.

(7) Resolution of Violations, Settlement, and Additional Enforcement Remedies.

(a) Nothing in this rule shall limit the ability of the Department to informally dispose of administrative actions by settlement agreement, consent order, or other lawful means.

(b) The Department and person charged with a violation may agree to resolve violations prior to an administrative hearing, or enter into settlement pursuant to Section 120.57(4), F.S. The penalties addressed in this rule shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department shall utilize all available remedies to ensure compliance including administrative action,

civil actions, settlements, and referrals for criminal prosecution. The Department shall enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and as authorized by Chapter 120 or Chapter 604, F.S.

(c) Failure to respond to an Administrative Complaint shall result in the entry of a Final Order against the violator or entity responsible for the violation imposing an administrative fines not to exceed the statutory maximum allowable under Section 604.30(3)(a), F.S.

(d) A failure to comply with a Final Order of the Department shall result in any applicable license revocation and an administrative fine equal to the maximum amount as allowable under Section 604.30(3), F.S.

(e) The provisions of this rule shall not be construed so as to prohibit or limit any other civil action for enforcement of additional penalties or criminal prosecution that may be brought.

Rulemaking Authority 604.27 FS. Law Implemented 604.27, 604.30 FS. History—New _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099824
 RULE TITLE: Voluntary Prekindergarten (VPK) Low Performing Provider Good Cause Exemption

PURPOSE AND EFFECT: The purpose of the rule development is to develop procedures and criteria for submission of a Voluntary Prekindergarten (VPK) provider’s request for a good cause exemption and describe the Department’s review process before making a recommendation to the State Board of Education for approval or denial of the good cause exemption request.

SUBJECT AREA TO BE ADDRESSED: Good Cause Exemption for VPK providers.

RULEMAKING AUTHORITY: 1002.67(3)(c)4., 1002.69(7) FS.

LAW IMPLEMENTED: 1002.67(3)(c)4., 1002.69(7) FS.

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

DATE AND TIME: October 13, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: If requested in writing the webinar address, conference call number and conference code will be provided on the Department’s website at www.fldoe.org the day of the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stuart Greenberg, Executive Director, Just Read, Florida! and the

Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399; (850)245-0445. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

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 CORRECTIONS

RULE NO.: 33-601.313
 RULE TITLE: Inmate Discipline – Forms
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify form references.
 SUBJECT AREA TO BE ADDRESSED: Inmate discipline.
 RULEMAKING AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09, 945.04 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) DC6-112E, Disciplinary Hearing Worksheet, effective ~~date~~ 3-22-05.

(b) DC6-112A, Disciplinary Investigative Report, effective ~~date~~ 5-21-00.

(c) DC6-256, Housing Officers Contact Card, effective ~~date~~ 2-11-01.

(d) DC6-112D, 24 Hour/Refusal to Appear Waiver Form, effective ~~date~~ 5-21-00.

(e) DC6-112C, Witness Statement Form, effective ~~date~~ 8-28-06.

(f) DC6-112F, Disciplinary Report Worksheet, effective ~~date~~ 7-11-06.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective ~~date~~ 3-22-05.

(h) DC6-112B, Witness Disposition Form, effective ~~date~~ 5-21-00.

(i) DC6-117, Corrective Consultation of Inmate, effective ~~date~~ 5-21-00.

(j) DC6-2028, Disposition of Videotape or Audiotape Evidence, effective ~~date~~ 3-22-05.

(2) Copies of these forms can be obtained from the Forms Control Administrator, ~~Office of Research, Planning and Support Services~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

~~Rulemaking Specific~~ Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, 7-11-06, 8-28-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.004 RULE TITLE: Requirements of Registration

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify the procedures that need to be followed in order for applicants to apply for and receive a farm labor contractor certificate of registration.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule are the procedures to be followed in order to receive a farm labor contractor certificate of registration.

RULEMAKING AUTHORITY: 450.36, 450.30(8) FS.

LAW IMPLEMENTED: 450.30, 450.31 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rebecca Gregory at (850)487-9602. 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: Rebecca Gregory, Operations and Consultant Manager, Farm Labor Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1041, (850)487-9602

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.005 RULE TITLE: Renewal of Registration Certificate

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify the procedures that need to be followed in order for applicants to renew and receive a farm labor contractor certificate.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are the procedures to be followed in order to receive a farm labor contractor certificate.

RULEMAKING AUTHORITY: 450.36, 450.30(8) FS.

LAW IMPLEMENTED: 450.30 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, IF AVAILABLE, IS: Rebecca Gregory, Operations and Consultant Manager, Farm Labor Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1041, (850)487-9602

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Child and Farm Labor Program

RULE NO.: 61L-1.006 RULE TITLE: Reexamination

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to clarify the procedures that need to be followed in order for applicants to renew and receive a farm labor contractor certificate of registration.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are the procedures to be followed in order to receive a farm labor contractor certificate of registration.

RULEMAKING AUTHORITY: 450.36, 450.30(8) FS.

LAW IMPLEMENTED: 450.30 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Rebecca Gregory at (850)487-9602. 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: Rebecca Gregory, Operations and Consultant Manager, Farm Labor Program, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1041, (850)487-9602

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 ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-204.100	Purpose and Scope
62-204.200	Definitions
62-204.220	Ambient Air Quality Protection
62-204.240	Ambient Air Quality Standards
62-204.260	Prevention of Significant Deterioration Increments
62-204.320	Procedures for Designation and Redesignation of Areas
62-204.340	Designation of Attainment, Nonattainment, and Maintenance Areas
62-204.360	Designation of Prevention of Significant Deterioration Areas

PURPOSE AND EFFECT: The purpose of the proposed rule development (OGC No. 10-1826) is to update Chapter 62-204, F.A.C., to remove or revise obsolete provisions related to ambient air quality standards and area designations. This rulemaking is needed for implementation of new National Ambient Air Quality Standards and in preparation for expected new federally designated nonattainment areas. The proposed changes will remove excess or redundant language, delete or

revise several definitions, simplify area designation rule sections to align with Federal rule language, and clarify various provisions.

SUBJECT AREA TO BE ADDRESSED: The proposed changes address ambient air quality standards and nonattainment area designations.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 1:30 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/422575762>.

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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 or lynn.searce@dep.state.fl.us. 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: Ms. Kelly Stevens at (850)921-9550 or kelly.stevens@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule development (OGC No. 09-3737) involves amendments to Chapter 62-210, F.A.C., to transfer general permits for six source categories from the department's Title V air general permit program into the department's non-Title V air general permit program. The proposed amendments will also revise several definitions, expand permitting exemption criteria, clarify when air construction and operation permits are required, clarify general permit rule language, and streamline general permit registration forms.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments involve the department's EPA approved non-Title V air permitting program.

RULEMAKING AUTHORITY: 403.061, 403.814 FS.
 LAW IMPLEMENTED: 403.061, 403.087, 403.0872, 403.814 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 9:30 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/472089378>

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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551 or lynn.scarce@dep.state.fl.us. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.200	Definitions
62-210.300	Permits Required
62-210.350	Public Notice and Comment
62-210.370	Emissions Computation and Reporting
62-210.900	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule development (OGC No. 10-0877) involves amendments to Chapter 62-210, F.A.C., to incorporate the effective elements of the U.S. Environmental Protection Agency's December 31, 2002 “new source review reform” rule into the state’s nonattainment area preconstruction review program. The EPA requires the department to incorporate these concepts into the state rules, and it is to the benefit of the regulated industries in the pending nonattainment areas of the state for the department to have done so in advance of those areas being so designated. The proposed amendments clarify related topics and definitions, and for consistency with federal requirements, they also update references to particulate matter in the preconstruction review program from PM₁₀ to PM_{2.5}.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the preconstruction review programs for attainment areas (prevention of significant deterioration) and for nonattainment areas.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 1:30 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/422575762>.

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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551 or lynn.scarce@dep.state.fl.us. 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: Mr. Greg DeAngelo at (850)921-9548 or gregory.deangelo@dep.state.fl.us.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)
62-212.500	Preconstruction Review for Nonattainment Areas
62-212.720	Actuals Plantwide Applicability Limits (PALs)

PURPOSE AND EFFECT: The proposed rule development (OGC No. 10-0878) involves amendments to Chapter 62-212, F.A.C., to incorporate the effective elements of the U.S. Environmental Protection Agency’s December 31, 2002 “new source review reform” rule into the state’s nonattainment area preconstruction review program. The EPA requires the department to incorporate these concepts into the state rules, and it is to the benefit of the regulated industries in the pending nonattainment areas of the state for the department to have done so in advance of those areas being so designated. The proposed amendments clarify related topics and definitions,

and for consistency with federal requirements, they also update references to particulate matter in the preconstruction review program from PM₁₀ to PM_{2.5}.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the preconstruction review programs for attainment areas (prevention of significant deterioration) and for nonattainment areas.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061, 403.087 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 1:30 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/422575762>.

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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 or lynn.searce@dep.state.fl.us. 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: Mr. Greg DeAngelo at (850)921-9548 or gregory.deangelo@dep.state.fl.us

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-213.202	Responsible Official
62-213.300	Title V Air General Permits
62-213.400	Permits and Permit Revisions Required
62-213.900	Forms and Instructions

PURPOSE AND EFFECT: The proposed rule development (OGC No. 09-3738) involves amendments to Chapter 62-213, F.A.C., to transfer general permits for six source categories from the department's Title V air general permit program into the department's non-Title V air general permit program in Chapter 62-210, F.A.C. The proposed amendments also clarify when Title V permit revisions are required.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment involves the department's EPA-approved Title V air permit program.

RULEMAKING AUTHORITY: 403.061, 403.0872, 403.814 FS.

LAW IMPLEMENTED: 403.087, 403.0872, 403.814 FS.

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

DATE AND TIME: Wednesday, October 20, 2010, 9:30 a.m. – 12:00 Noon

PLACE: Department of Environmental Protection, Bob Martinez Center, Room 609, 2600 Blair Stone Rd., Tallahassee, Florida. The workshop can also be accessed via a GOTO Webinar. Information for the Webinar can be found at <https://www2.gotomeeting.com/register/472089378>

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 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551 or lynn.searce@dep.state.fl.us. 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: Ms. Terri Long at (850)921-9556 or terri.long@dep.state.fl.us

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NO.: 5I-4.002 **RULE TITLE:** Purpose and Definitions

PURPOSE AND EFFECT: Adoption of revised list of user fees for Division of Forestry managed lands.

SUMMARY: This rulemaking adopts the revised list user fees for Division of Forestry managed lands.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 570.07(23), 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(3), 589.071 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.