

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There is neither a cost nor an exemption from cost associated with this rule. The clarification of language and amended definition should reduce the regulatory burden on the private sector by providing an additional option to becoming recognized as an affiliated self-insurer.

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: 440.38(1), (2), (3), 440.385(6), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, January 25, 2012, 9:30 a.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

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 5 days before the workshop/meeting by contacting: Pam Macon @ Pamela.Macon@myfloridacfo.com. 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 IS: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1708 or Pamela.Macon@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-5.201 Definitions.

When used in these rules, the following words or terms shall mean:

(1) No change.

(2) "Affiliated Self-Insurer" – Two or more entities affiliated by common majority ownership, as discussed in Rule 3, R13, D., of the NCCI Experience Rating Plan Manual for Workers' Compensation and Employers Liability Insurance, which either do not have a parent company to hold the self-insurance authorization or provide a parental guaranty in accordance with Rule 69L-5.215, F.A.C., and which are approved by the Department to fund their workers'

compensation liabilities as prescribed in Section 440.38(1)(b), F.S. The NCCI Experience Rating Plan Manual for Workers' Compensation and Employers Liability, 2003 Edition including updates through October 2008, is hereby incorporated by reference. A copy of the Manual may be obtained from the National Council on Compensation Insurance, Inc., Customer Service Center, 901 Peninsula Corporate Circle, Boca Raton, FL 33487, telephone 1(800)622-4123. A copy of the manual is also available for viewing at the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-Insurance Section, 2012 Capital Circle, S.E., Hartman Building, Tallahassee, FL 32399-4224.

(3) through (28) No change.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6) FS. History–New 3-9-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

### Section III Notices of Changes, Corrections and Withdrawals

#### WATER MANAGEMENT DISTRICTS

##### St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-2.101	Publications Incorporated by Reference
40C-2.331	Modification of Permits
40C-2.900	Forms and Instructions

#### 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. 37, No. 33, August 19, 2011 issue of the Florida Administrative Weekly.

40C-2.101 Publications Incorporated by Reference

(1) The Governing Board hereby adopts by reference Parts I, II and III, the "Water Conservation Public Supply" requirements in Appendix I, and "Legal Description of the Central Florida Coordination Area of the St. Johns River Water Management District" in Appendix L of the document entitled "Applicant's Handbook, Consumptive Uses of

Water”, \_\_\_\_\_ December 1, 2011. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(2) Copies of this document are available without charge from the following District offices:

District Headquarters  
 St. Johns River Water Management District  
 4049 Reid Street  
 Palatka, Florida 32177-2529  
 (386)329-4500

St. Johns River Water Management District  
 7775 Baymeadows Way, Suite 102  
 Jacksonville, Florida 32256  
 (904)730-6270

St. Johns River Water Management District  
601 South Lake Destiny Rd. Ste. 200 975 Keller Road  
Maitland Altamonte Springs, Florida 3275114-1618  
 (407)659-4800

St. Johns River Water Management District  
 525 Community College Pkwy., S.E.  
 Palm Bay, Florida 32909  
 (321)984-4940

40C-2.331 Modification of Permits.

(1) A request for modification of a valid permit issued pursuant to chapters 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:

(a) By application on District Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable; or

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c) below. The letter must include the full permit number for the requested permit modification and must describe the proposed modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a) above:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system that do not increase the allocation by 100,000 or more gallons per day on an annual average basis, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit, unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee’s ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system; or

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit.

~~(2) When a request for modification by letter is excluded from the letter modification process under paragraph (1)(c) above, then the request shall be processed under paragraph (1)(a) above.~~

~~(2)(3)~~ A request for modification under paragraph (1)(a) must meet the conditions for issuance in Rule 40C-2.301, F.A.C. A request for modification by letter in accordance with paragraph (1)(b) above need only provide information and meet the conditions for issuance in Rule 40C-2.301, F.A.C., that relate to the modification request, in accordance with subsection 373.239(2), F.S. A permit which has expired or which has been revoked shall not be subject to modification. A denial of a request for modification under paragraphs (1)(a) or (1)(b) above shall be processed as provided in sections 3.3.3.1(b) and 3.3.3.2 of the Applicant’s Handbook, Consumptive Uses of Water (effective date), which are hereby incorporated by reference.

~~(4)(3)~~ No change.

40C-2.900 Forms and Instructions

(1) Individual and Standard General Consumptive Use Permit Application, Form Number 40C-2-1082-1, effective ~~December 1, 2011~~, is hereby incorporated by reference. This form is referenced in paragraphs 40C-2.042(2)(c) and 40C-2.331(1)(a), F.A.C., and in sections 3.3.3(b), 4.2, 5.5.1(c), and 6.5.5 of the “Applicant’s Handbook, Consumptive Uses of Water” (effective date), which is incorporated by reference in subsection 40C-2.101(1), F.A.C.

(2) Standard General Consumptive Use Permit for Landscape Irrigation, Form Number 40C-2-1082-2, effective 3-8-09, is hereby incorporated by reference. This form is

referenced in paragraphs 40C-2.042(2)(c) and 40C-2.331(1)(a), F.A.C., and in sections 3.3.3(b), 4.2, and 5.5.1(c) of the “Applicant’s Handbook, Consumptive Uses of Water” (*effective date*), which is incorporated by reference in subsection 40C-2.101(1), F.A.C.

(3) No change.

(4) Water Use Record (EN-50), Form Number 40C-2.900(4), effective ~~December 1, 2011~~, is hereby incorporated by reference. This form is referenced in section 6.7.1.8.1 of the “Applicant’s Handbook, Consumptive Uses of Water” (*effective date*), which is incorporated by reference in subsection 40C-2.101(1), F.A.C.

(5) Water Use Reporting Verification (EN-51), Form Number 40C-2.900(5), effective ~~December 1, 2011~~, is hereby incorporated by reference. This form is referenced in section 6.7.1.8.1 of the “Applicant’s Handbook, Consumptive Uses of Water” (*effective date*), which is incorporated by reference in subsection 40C-2.101(1), F.A.C.

(6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective ~~December 1, 2011~~, is hereby incorporated by reference. This form is referenced in section 6.7.1.8.1 of the “Applicant’s Handbook, Consumptive Uses of Water” (*effective date*), which is incorporated by reference in subsection 40C-2.101(1), F.A.C.

(7) No change.

APPLICANT’S HANDBOOK SECTION:

2.0 Definitions

(a) through (i) No change.

~~(j) Domestic use—the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic (subsection 373.019(6), F.S.).~~

(k) through (uu) renumbered (j) through (tt) No change.

3.3.3 Modification of Permits

(a) A request for modification of a valid permit may be made by submitting a letter or an application form, as set forth in subsection 3.3.3. Many permit modifications may be requested by submittal of a letter; however, the following permit modifications are specifically excluded from the letter modification process:

1. Requests to increase the duration of the consumptive use authorization;

2. Requests to increase the consumptive use allocation(s), except for:

(i) Increases in use of reclaimed water or water from a man-made surface water management system that do not increase the allocation by 100,000 or more gallons per day on an annual average basis, or

(ii) The addition of landscape irrigation of less than one acre;

3. Requests to change the permitted use type;

4. Requests to change the permitted use within a use type that has been allocated in the permit (e.g., change from potato irrigation to cabbage irrigation), unless it does not increase the consumptive use allocation(s);

5. Requests to add withdrawal points, unless the addition is for a well only for backup-allocation purposes to increase the permittee’s ability to meet peak demands;

6. Requests to change the source(s) of withdrawal(s), unless the change is to use a source of reclaimed water or water from a man-made surface water management system; or

7. Requests to change the location(s) of withdrawal point(s), unless the change:

(i) Is for the relocation of withdrawal point(s) to a source of reclaimed water or water from a man-made surface water management system, or

(ii) Is for the relocation of a proposed well or replacement of an existing well with a well producing from the same hydrostratigraphic unit as the proposed well or existing well so long as the relocated or replacement well is within 1000 feet of the proposed or existing well it is intended to replace, and the total withdrawal capacity of the relocated or replacement well is less than or equal to the withdrawal capacity of the proposed or existing well that was authorized under the current consumptive use permit.

(b) When a request for modification submitted by letter is excluded from the letter modification process under paragraph 3.3.3(a) above, then the request shall be processed by the applicant submitting an application using Form Number 40C-2-1082-1 or 40C-2-1082-2, as applicable.

3.3.3.1 Letter Modification

(a) A request for modification submitted by letter must reference the full permit number and must describe the proposed modification.

(b) Within 30 days after a request for modification submitted by letter is complete, the District staff shall issue the new modification if District staff find that the request meets the applicable criteria in Rule 40C-~~24~~.301, F.A.C. If District staff find that these criteria are not met, the permit holder shall be notified within 30 days after completeness that the request shall be processed as an individual permit application recommended for denial; however, no additional fee shall be required.

(c) Modification by letter in accordance with subsection 3.3.3(a) above must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

11.0 Evaluation Criteria for Other Types of Applications

11.1 Modification to an Existing Permit

Each application for modification to an existing permit will be evaluated using the criteria listed in Section 9.0 above (see also 40C-2.301(2)). The proposed modification must be for a reasonable-beneficial use, it must not interfere with presently existing legal uses, and it must be in the public interest.

Likewise, it must not result in any of the conditions which are listed as reasons for recommendation of denial (see Section 9.4 above as well as 40C-2.301(5)(a)3-).

12.4 Mining/Dewatering Use-Type Uses

The reasonable need for a requested allocation must be based on the amount of water needed to economically and effectively extract subsurface materials or control surface or ground water when performing activities such as excavation or construction. ~~For example, in some cases, dewatering may involve lowering the water table several feet in order to lower the level below "Caprock" which is used as an operating floor and drying surface. In other cases, it may involve completely dewatering a pit in order to remove minable rock and sand using pans and scrapers. The reasonable allocation may vary for a particular dewatering operation depending upon the excavation method. Staff may recommend the greater reasonable allocation if all other criteria are satisfied. However, if the greater reasonable allocation will generate adverse impacts, staff will recommend the excavation method with a lower reasonable allocation which satisfies all criteria. For example, a rockpit may be excavated using either draglines or scrapers. Drag lining may require dewatering only several feet in order to expose "Caprock" as an operating surface. The use of scrapers requires totally dewatering the pit in order to use the floor of the pit as an operating surface. Thus, if staff cannot recommend total dewatering of a mining pit because of adverse impacts, then staff shall may recommend an the second alternative, such as drag-lining, (which has a smaller water use and a with its smaller discharge), if that extraction method # satisfies all other criteria listed in Section 8.0 or 9.0.~~

If all criteria listed in Section 8.0 or 9.0 are satisfied, the allocation is equal to the reasonable need for water. The reasonable need for water is the greatest volume which staff can recommend.

12.5.1 Supplemental Irrigation Requirement

The reasonable need for an agricultural use is based on the amount of water needed to supply the supplemental irrigation requirements of the type of crop grown. ~~The Ssupplemental irrigation requirements are determined through use of supplemental irrigation models the modified Blaney-Criddle formula for evapotranspiration. The formula is explained in detail in Appendix H. Supplemental irrigation models must accurately determine supplemental irrigation water use needs and be The model is based on the type of crop grown, the irrigation method employed, the season in which the water is used to grow the crop is grown, general crop location, including soil type, and associated atmospheric conditions. In determining reasonable need, the supplemental irrigation requirements used are those which would be needed in a two in ten year drought. Where supplemental irrigation data are not available from the modified Blaney-Criddle method, an average annual industry water figure is used.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-6.034  
 RULE TITLE: Administrative Enforcement

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on November 23, 2011, did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification: Review and analysis of statutory sections cited for this rule determined that the rule being repealed is not consistent with statutory language cited as law implemented by this rule and included a repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required for repeal of this rule.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.: 59A-7.038  
 59A-7.039  
 RULE TITLES: Administrative Hearings  
 Administrative Enforcement

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37 No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on November 23, 2011, did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification: Review and analysis of statutory sections cited for these rules determined that the rules being repealed are not consistent with statutory language cited as law implemented by this rule and included repetition of statutory language. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required for repeal of these rules.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-35.100  
 RULE TITLE: Minimum License Requirements

NOTICE OF CORRECTION

The Notice of Proposed Rule, as advertised on November 23, 2011, did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification: The Agency has determined that this rule revision will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the

aggregate within one year after the implementation of the rule. Based on that determination, the Agency found that a SERC is not required and a SERC has not been prepared by the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. Review and analysis of statutory sections cited for this rule determined that the rule text being deleted was not consistent with statutory language cited as law implemented by this rule. Based on that analysis, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

The person to be contacted regarding the proposed rule and a copy of the preliminary draft, as advertised on November 23, 2011, was incomplete and should have included: Bill McCort, Health Facility Regulation, 2727 Mahan Drive, Mail Stop 28A, Building 1, Tallahassee, Florida 32308 or call (850)412-4341.

**DEPARTMENT OF MANAGEMENT SERVICES**

**E911 Board**

RULE NO.: 60FF1-5.002  
 RULE TITLE: Rural County Grants  
 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. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

The change is in response to concerns by the Joint Administrative Procedures Committee in letters dated October 7, 2011 and October 12, 2011. The changes are as follows:

The STATEMENT OF ESTIMATED REGULATORY COST shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

The rule shall read as:

60FF1-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

(1) Eligibility. Any Board of County Commissioners in the State of Florida, with a county population of fewer than 75,000 is eligible to apply.

(2) Definitions.

(a) “Enhanced 911” (E911): As defined by Section 365.172(3)(i), Florida Statutes, and as referenced in the State E911 Plan under Section 365.171, Florida Statutes.

(b) “E911 Maintenance”: Means the preventative, routine and emergency maintenance required by the State E911 Plan, in order to maintain the E911 System in operable working condition.

(c) “E911 System”: Means the Public Safety Answering Point equipment, in accordance with the State E911 Plan, including 911 call routing, processing, mapping and call answering communications equipment.

(d) “Government Accounting Standards Board” (GASB): Means the independent organization that establishes and improves standards of accounting and financial reporting for U.S. state and local governments.

(e) “Next Generation 911” (NG-911): Means the designation for an advanced 911 emergency communications system or service that provides a communications service subscriber with 911 service and, in addition, directs 911 emergency requests for assistance to appropriate public safety answering points based on the geographical location from which the request originated, or as otherwise provided in the State E911 Plan under Section 365.171, F.S., and that provides for automatic number identification and automatic location identification features and emergency data information through managed IP-based networks.

(f) “Public Safety Answering Point” (PSAP): As defined by Section 365.172(3)(a), Florida Statutes, and as referenced in the State E911 Plan under Section 365.171, Florida Statutes.

~~(3)~~ (2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, “Application for the E911 Rural County Grant Program,” effective ~~7/7/2011~~ ~~1/1/2011~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address: <https://www.flrules.org/Gateway/reference.asp?No=Ref-00410> or

State of Florida E911 Board  
 ATTN: Administrative Assistant  
 4050 Esplanade Way  
 Building 4030 – Suite 160  
 Tallahassee, Florida 32399-0950

The applicant must provide one original of the pages for Application Form items 1 through 14 and the associated quotes. ~~for~~ The grant application package must be postmarked or delivered on or before April 1 or October 1 of each year, dependent on the spring or fall application period.

(b) through (c) No change.

(d) Grant applications totaling \$35,000.00 or more must be accompanied by at least three written substantiated competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain at least three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses.

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding shall be provided with the application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which ~~shall~~ should be provided with this grant application.

(f) Priorities for awarding of grants will be determined by the E911 Board. Grant priorities may be adjusted by the Board and published with the grant application package three (3) months prior to the application submission date. The grant priority list is available as an addendum with the grant application at the start of each grant cycle at the address shown in paragraph ~~(3)(2)~~(a) above.

(g) through (i) No change.

(j) Grant funding shall be limited to eligible equipment maintenance and warranty costs for a primary PSAP and one other PSAP per county; either a primary, a secondary or a backup.

~~(k)(j)~~ No change.

(l) Grant funding for customer premise equipment shall be limited to eligible expenditures for a primary PSAP only.

(m) Any county that requires Board of County Commissioner approval of the grant program funding, prior to commencement of the project, shall notify the E911 Board in Application Form item #10. Grant funds for approved grant applications will be held until the county provides written notification to the E911 Board of the Board of County Commissioners approval of the project prior to the funds being disbursed from the E911 Trust Fund.

(n) Grant funds shall be deposited in an interest bearing account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Rural County Grant funds in the account shall be accounted for separately from other grantee funds. Accounting shall be consistent with GASB 31 financial reporting. Utilization of the earned interest funds shall be authorized through an approved Request for Change Form and expenditure documentation shall be included in the final report. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the

E911 Board. Extension of time will not be granted unless the county has executed a contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract within twelve months of award. Grant extensions shall be limited to a maximum of one additional year when approved by the Board.

~~(o)(k)~~ Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. Updated Grant Budget/Expenditure, Quarter Report Forms, Request for Change Forms, and Final Report Forms and associated information ~~In lieu of submitting a signed quarterly Grant Budget/Expenditure and Quarterly Report Form, the updated form~~ should ~~can~~ be e-mailed to E911 Board-ElectronicGrantReports@dms.myflorida.com ~~the Board's administrative/technical staff.~~ The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

~~(p)(l)~~ At project completion, a final report shall be submitted based on the same reporting periods described in ~~(3)(o)~~ above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(m) through (q) renumbered (q) through (u) No change.

~~(4)(3)~~ No change.

Rulemaking Authority 365.172(6)(a)11. FS. Law implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History—New 12-7-08, Amended 10-19-09, 4-15-10, 10-27-10, Formerly 60FF-5.002, Amended 7-17-11, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Butler, Special Support Manager, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:	RULE TITLE:
61G15-23.003	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 2, 2011. The correction is as follows:

The SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST shall read as: During discussion of the economic impact of this rule the Department, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The rule will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-302.200	Definitions
62-302.531	Numeric Interpretations of Narrative Nutrient Criteria
62-302.532	Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion
62-302.800	Site Specific Alternative Criteria

**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 the November 10, 2011 issue of the Florida Administrative Weekly, Vol. 37, No. 45, pages 3753-3764. The changes are made in response to written and oral comments from the Joint Administrative Procedures Committee and the public, non-substantive corrections of technical errors, or as the result of staff recommendations that were discussed at an adoption hearing held on December 8, 2011. The proposed rule has changed so that when it is adopted it will read:

62-302.200 Definitions.

As used in this chapter:

(1) through (16) No change.

(17) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological health in predominantly freshwaters using aquatic and wetland plants, performed and calculated using the Standard Operating Procedures for the LVI (DEP-SOP-003/11 LVI 1000) and the

methodology in *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(18) No change.

(19) "Natural background" shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody, ~~or on~~ historical pre-alteration data, paleolimnological examination of sediment cores, or examination of geology and soils. When determining natural background conditions for a lake, the lake's location and regional characteristics as described and depicted in the U.S. Environmental Protection Agency document titled *Lake Regions of Florida* (EPA/R-97/127, dated 1997, U.S. Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Corvallis, OR), which is incorporated by reference herein, shall also be considered. The lake regions in this document are grouped according to ambient total phosphorus and total nitrogen concentrations in the following lake zones:

(a) The TP1 phosphorus zone consists of the USEPA Lake Regions 65-03, and 65-05.

(b) The TP2 phosphorus zone consists of the USEPA Lake Regions 75-04, 75-09, 75-14, 75-15 and 75-33.

(c) The TP3 phosphorus zone consists of the USEPA Lake Regions 65-01, 65-02, 75-01, 75-03, 75-05, 75-11, 75-12, 75-16, 75-19, 75-20, 75-23, 75-24, 75-27, 75-32 and 76-03.

(d) The TP4 phosphorus zone consists of the USEPA Lake Regions 65-04, 75-02, 75-06, 75-08, 75-10, 75-13, 75-17, 75-21, 75-22, 75-26, 75-29, 75-31, 75-34, 76-01 and 76-02.

(e) The TP5 phosphorus zone consists of the USEPA Lake Regions 75-18, 75-25, 75-35, 75-36 and 76-04.

(f) The TP6 phosphorus zone consists of the USEPA Lake Regions 65-06, 75-07, 75-28, 75-30 and 75-37.

(g) The TN1 phosphorus zone consists of the USEPA Lake Region 65-03.

(h) The TN2 phosphorus zone consists of the USEPA Lake Regions 65-05 and 75-04.

(i) The TN3 phosphorus zone consists of the USEPA Lake Regions 65-01, 65-02, 65-04, 75-01, 75-02, 75-03, 75-09, 75-11, 75-15, 75-20, 75-23, 75-33 and 76-03.

(j) The TN4 phosphorus zone consists of the USEPA Lake Regions 65-06, 75-05, 75-06, 75-10, 75-12, 75-13, 75-14, 75-16, 75-17, 75-18, 75-19, 75-21, 75-22, 75-24, 75-26, 75-27 and 75-29, 75-31, 75-32, 75-34 and 76-02.

(k) The TN5 phosphorus zone consists of the USEPA Lake Regions 75-07, 75-08, 75-25, 75-28, 75-30, 75-35, 75-36, 75-37, 76-01 and 76-04.

The Lake Regions document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(20) through (24) No change.

(25) "Nutrient Watershed Region" shall mean a drainage area over which the nutrient thresholds in paragraph 62-302.531(2)(c), F.A.C., apply.

(a) through (f) No change.

A map of the Nutrient Watershed Regions, dated October 17, 2011, is incorporated by reference herein and may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(26) through (35) No change.

(36) "Stream" shall mean, for purposes of interpreting the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., under paragraph 62-302.531(2)(c), F.A.C., a predominantly fresh surface waterbody with perennial flow in a defined channel with banks during typical climatic and hydrologic conditions for its region within the state. During periods of drought, portions of a stream channel may exhibit a dry bed, but wetted pools are typically still present during these conditions. Streams do not include:

(a) Non-perennial water segments where fluctuating hydrologic conditions, including periods of desiccation, typically result in the dominance of wetland and/or terrestrial taxa (and corresponding reduction in obligate fluvial or lotic taxa), wetlands, or portions of streams that exhibit lake characteristics (e.g., long water residence time, increased width, or predominance of biological taxa typically found in non-flowing conditions), or tidally influenced segments that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions;  
or

(b) Ditches, canals and other conveyances, or segments of conveyances, that are man-made, or predominantly channelized or predominantly physically altered; and

1. Are primarily used for water management purposes, such as flood protection, stormwater management, irrigation, or water supply; and

2. Have marginal or poor stream habitat or habitat components, such as a lack of habitat or substrate that is biologically limited, because the conveyance has cross sections that are predominantly trapezoidal, has armored banks, or is maintained primarily for water conveyance.

(37) "Stream Condition Index (SCI)" shall mean a Biological Health Assessment that measures stream biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures for the SCI in the document titled SCI 1000: Stream Condition Index Methods (DEP-SOP-003/11 SCI 1000) and the methodology in Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP-SAS-001/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(38) through (44) No change.

62-302.531 Numeric Interpretations of Narrative Nutrient Criteria.

(1) No change.

(2) The narrative water quality criterion for nutrients in paragraph 62-302.530(47)(b), F.A.C., shall be numerically interpreted for both nutrients and nutrient response variables in a hierarchical manner as follows:

(a) Where a site specific numeric interpretation of the criterion in paragraph 62-302.530(47)(b), F.A.C., has been established by the Department, this numeric interpretation shall be the primary interpretation. If there are multiple interpretations of the narrative criterion for a waterbody, the most recent interpretation established by the Department shall apply. A list of the site specific numeric interpretations of paragraph 62-302.530(47)(b), F.A.C., may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

1. The primary site specific interpretations are as follows:

a. through c. No change.

d. Other site specific interpretations for one or more nutrients or nutrient response variables that are formally established by rule or final order by the Department, such as a Reasonable Assurance Demonstration pursuant to Rule 62-303.600, F.A.C., or Level II Water Quality Based Effluent Limitations (WQBEL) established pursuant to Rule 62-650.500, F.A.C. To be recognized as the applicable site specific numeric interpretation of the narrative nutrient criterion, the interpretation must establish the total allowable load or ambient concentration for at least one nutrient that results in attainment of the applicable nutrient response variable that represents achievement of the narrative nutrient

criteria for the waterbody. A site specific interpretation is also allowable where there are documented adverse biological effects using one or more Biological Health Assessments, if information on chlorophyll *a* levels, algal mats or blooms, nuisance macrophyte growth, and changes in algal species composition indicate there are no imbalances in flora and a stressor identification study demonstrates that the adverse biological effects are not due to nutrients.

2. No change.

(b) through (c) No change.

(3) Except for data used to establish historical chlorophyll *a* levels, chlorophyll *a* data assessed under this Chapter shall be measured according to the DEP document titled “Applicability of Chlorophyll *a* Methods” (DEP-SAS-002/10), dated October 24, 2011, which is incorporated by reference herein. Copies of the chlorophyll *a* document may be obtained from the Department’s internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Chlorophyll *a* data collected after [effective date] shall be corrected for or free from the interference of phaeophytin.

(4) through (8) No change.

(9) The Commission adopts rules 62-302.200(4), 200(16)-(17), 200(22)-(25), 200(35)-(37), 200(39), 62-302.531, and 62-302.532(3), F.A.C., to ensure, as a matter

of policy, that nutrient pollution is addressed in Florida in an integrated, comprehensive and consistent manner. Accordingly, these rules shall be effective only if EPA approves these rules in their entirety, concludes rulemaking that removes federal numeric nutrient criteria in response to the approval, and determines, in accordance with 33 U.S.C. § 1313(c)(3), that these rules sufficiently address EPA’s January 14, 2009 determination. If any provision of these rules is determined to be invalid by EPA or in any administrative or judicial proceeding, then the entirety of these rules shall not be implemented. Rule 62-302.531, F.A.C., shall not be implemented until it is approved in its entirety pursuant to 40 C.F.R. § 131.21 and 33 U.S.C. § 1313(e). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then the entirety of Rule 62-302.531, F.A.C., shall not be implemented.

62-302.532 Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion.

(1) Estuary-specific numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., are in the table below. The concentration-based estuary interpretations are open water, area-wide averages. The interpretations expressed as load per million cubic meters of freshwater inflow are the total load of that nutrient to the estuary divided by the total volume of freshwater inflow to that estuary.

Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll <i>a</i>
(a) Clearwater Harbor/St. Joseph Sound	Annual geometric mean values not to be exceeded more than once in a three year period. <u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
1. through 3. No change.			
(b) Tampa Bay	Annual totals for nutrients and annual arithmetic means for chlorophyll <i>a</i> , not to be exceeded more than once in a three year period. <u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
1. through 8. No change.			
(c) Sarasota Bay	Annual geometric mean values for nutrients and annual arithmetic means for chlorophyll <i>a</i> , not to be exceeded more than once in a three year period. <u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
1. through 5. No change.			
(d) Charlotte Harbor/Estero Bay	Annual arithmetic mean values for nutrients and annual arithmetic means for chlorophyll <i>a</i> , not to be exceeded more than once in a three year period. <u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u>		
1. through 9. No change.			
(e) through (h) No change.			

<p>(i) Sarasota Bay</p>	<p>For TN, the annual geometric mean target is calculated from monthly arithmetic mean color by region and season. Annual geometric means that shall not be exceeded more than once in a three year period. The Sarasota Bay regions are defined as north (Manatee County) and south (Sarasota County). The wet season for Sarasota Bay is defined as July through October and the dry season is defined as all other months of the year. The seasonal region targets are calculated using monthly color data and shall be calculated as follows:</p> $NW_i = \text{Ln}[(13.35 - (0.32 * CN_i)) / 3.58]$ $ND_i = \text{Ln}[(10.39 - (0.32 * CN_i)) / 3.58]$ $SW_i = \text{Ln}[(8.51 - (0.32 * CS_i)) / 3.58]$ $SD_i = \text{Ln}[(5.55 - (0.32 * CS_i)) / 3.58]$ <p>Where,</p> <p><math>NW_i</math> is the TN target for <math>i^{th}</math> month calculated for the north region during the wet season</p> <p><math>ND_i</math> is the TN target for <math>i^{th}</math> month calculated for the north region during the dry season</p> <p><math>SW_i</math> is the TN target for <math>i^{th}</math> month calculated for the south region during the wet season</p> <p><math>SD_i</math> is the TN target for <math>i^{th}</math> month calculated for the south region during the dry season</p> <p><math>CN_i</math> is the arithmetic mean color during the <math>i^{th}</math> month within the north region</p> <p><math>CS_i</math> is the arithmetic mean color during the <math>i^{th}</math> month within the south region</p> <p>The annual TN target is calculated as the geometric mean of all monthly regional and season targets as follows:</p> $e^{\frac{\sum_{i=1}^{12} (NW_i + ND_i + SW_i + SD_i)}{24}}$ <p><u>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</u></p>
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(j) No change.

(2) Estuarine and marine areas are delineated in the eight maps map of the Florida Marine Nutrient Regions, all dated October 19, 2011, which are incorporated by reference. Copies of these maps that may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(3) The Department shall establish by rule or final order estuary specific numeric interpretations of the narrative nutrient criteria for TN and TP for Perdido Bay, Pensacola Bay (including Escambia Bay), St. Andrews Bay, Choctawhatchee Bay, and Apalachicola Bay by June 30, 2013, subject to the provisions of Chapter 120, F.S. The Department shall establish by rule or final order the estuary specific numeric

interpretation of the narrative nutrient criteria for TN and TP for the remaining estuaries by June 30, 2015, subject to the provisions of Chapter 120, F.S. ~~This subsection 62-302.532(3), F.A.C., shall not be implemented until Rule 62-302.531, F.A.C., is approved in its entirety pursuant to 40 C.F.R. § 131.21 and 33 U.S.C. § 1313(e). If any provision of Rule 62-302.531, F.A.C., is later determined invalid, then this subsection shall not be implemented.~~

62-302.800 Site Specific Alternative Criteria.

(1) through (2) No change.

(3) Type III Site Specific Alternative Criteria (SSAC) for Nutrients: Upon petition by an affected person or upon initiation by the Department, the Department shall establish, by Secretarial Order, site specific numeric nutrient criteria when an affirmative demonstration is made that the proposed criteria achieve the narrative nutrient criteria in paragraph

62-302.530(47)(b), F.A.C., and are protective of downstream waters. Public notice and an opportunity for public hearing shall be provided prior to adopting any order establishing alternative criteria under this subsection.

(a) The Department shall establish a Type III SSAC if all of the following conditions are met:

1. No change.

2. The petitioner provides sufficient data to characterize water quality conditions, including temporal variability, that are representative of the biological data used to support the SSAC. The water quality data shall be collected in the same waterbody segment as the biological monitoring stations and at a frequency and duration consistent with the study design concepts described in the document titled *Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients (DEP-SAS-004/11), dated October 24, 2011, which is incorporated by reference herein. Copies of this document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Water quality data associated with extreme climatic conditions, such as floods, droughts, and hurricanes, shall be excluded from the analysis.*

3. No change.

(b) No change.

(4) through (6) No change.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-303.200	Definitions
62-303.330	Biological Assessment
62-303.350	Assessments of Numeric Interpretations of Narrative Nutrient Criteria
62-303.351	Nutrients in Freshwater Streams
62-303.352	Nutrients in Freshwater Lakes
62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.390	The Study List
62-303.430	Biological Impairment

**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 the November 10, 2011 issue of the Florida Administrative Weekly, Vol. 37, No. 45, pages 3764-3775. The changes are made in response to written and oral comments from the Joint Administrative Procedures Committee and the public, non-substantive corrections of technical errors, or as the result of staff recommendations that were discussed at an adoption hearing held on December 8, 2011. The proposed rule has changed so that when it is adopted it will read:

62-303.200 Definitions.

As used in this chapter:

(1) No change.

(2) "BioRecon" shall mean a biological assessment that measures stream health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures (SOP) for the BioRecon in the document titled *BRN1000: Biological Reconnaissance Field Method* (DEP-SOP-003/01 BRN 1000), dated 10-24-11, which is incorporated by reference herein. Copies of the SOP may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(3) "Clean techniques" shall mean those applicable field sampling procedures and analytical methods referenced in "Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, July 1996, USEPA, Office of Water, Engineering and Analysis Division, Washington, D.C.," which is incorporated by reference. Copies of the procedures and methods may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(4) through (8) No change.

(9) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological health in predominantly freshwaters using aquatic and wetland plants, performed and calculated using the Standard Operating Procedures for the LVI in the document titled *LVI 1000: Lake Vegetation Index Methods* (DEP-SOP-003/11 LVI 1000) and the methodology in *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(10) through (13) No change.

(14) "Nutrient Watershed Region" shall mean a drainage area over which the nutrient thresholds in paragraph 62-302.531(2)(c), F.A.C., apply.

(a) through (f) No change.

A map of the Nutrient Watershed Regions is incorporated by reference herein and may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm>

or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(15) through (28) No change.

(29) "Stream Condition Index (SCI)" shall mean a Biological Health Assessment that measures stream biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures for the SCI in the document titled *SCI 1000: Stream Condition Index Methods* (DEP-SOP-003/11 SCI 1000) and the methodology in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(30) through (37) No change.

62-303.330 Biological Assessment.

(1) No change.

(2) Biological Health Assessments used to evaluate predominantly fresh water streams and lakes under this rule shall include the Stream Condition Index (SCI), the Lake Vegetation Index (LVI), and the Shannon-Weaver Diversity Index. BioRecons can also be used to evaluate predominantly fresh water streams under this rule. Because these Biological Health Assessment procedures require specific training and expertise, persons conducting a BioRecon, SCI or LVI must comply with the quality assurance requirements of Chapter 62-160, F.A.C. (including adherence to *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was incorporated by reference in subsection 62-303.200(29) 62-303.200(10), F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated by reference in subsection 62-303.200(9) 62-303.200(30), F.A.C.), attend at least eight hours of Department field training; and pass a Department field audit that verifies the sampler follows the applicable SOPs, as set forth in Chapter 62-160, F.A.C., before their Biological Health Assessment data will be considered valid for use under this rule.

(3) through (5) No change.

62-303.350 Assessments of Numeric Interpretations of Narrative Nutrient Criteria.

(1) No change.

(2) To be used to determine whether a waterbody should be assessed further for nutrient enrichment,

(a) through (b) No change.

(c) To be assessed under this chapter, except for data used to establish historical chlorophyll *a* levels, chlorophyll *a* data shall be determined using Department-approved methods as measured according to the DEP document titled, "Applicability of Chlorophyll *a* Methods" (DEP-SAS-002/10), dated October 24, 2011, incorporated by reference herein. Copies of the chlorophyll *a* document may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Chlorophyll *a* data shall be corrected for or free from the interference of pheophytin.

62-303.351 Nutrients in Freshwater Streams.

A stream or stream segment shall be included on the planning list for nutrients if:

(1) No change.

(2) For streams meeting the definition in subsection 62-302.200(36), F.A.C., the nutrient thresholds in subparagraph 62-302.531(2)(c)2. 62-302.531(2)(e)3., F.A.C., are exceeded and insufficient Biological Health Assessment data are available to fully assess achievement of the nutrient provisions in subparagraph 62-302.531(2)(c)1. 62-302.531(2)(e)2., F.A.C.;

(3) through (4) No change.

(5) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which are incorporated by reference herein. Copies of these pages may be obtained from the Department's internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

62-303.352 Nutrients in Freshwater Lakes.

Lakes or lake segments shall be included on the planning list for nutrients if:

(1) through (2) No change.

(3) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351, F.A.C.

62-303.353 Nutrients in Estuaries and Open Coastal Waters.

Estuaries, estuary segments, or open coastal waters shall be included on the planning list for nutrients if:

(1) through (3) No change.

(4) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351(5), F.A.C.

62-303.390 The Study List.

(1) The Study List contains waters where evidence indicates nonattainment of water quality standards, but the Department does not have enough information to determine the causative pollutant(s) and therefore cannot determine the appropriate remedy, and waters where a site specific numeric interpretation has not been established pursuant to paragraph 63-302.531(2)(a), F.A.C., and there is a clear adverse trend in nutrients or nutrient response variables. Causes of nonattainment can include excess pollutant loading or concentrations, habitat or hydrologic alterations, or natural conditions. Waters that do not attain water quality standards due to natural conditions pursuant to paragraph 62-303.420(1)(b), F.A.C., shall not be added to the Study List. To conform to the expectations of Section 303(d) of the Federal Clean Water Act and federal regulations at 40 C.F.R. 130.7(b), waters and associated parameters identified in the Study List will be submitted to EPA as water quality limited segments. However, pursuant to paragraph 403.067(2)(a), F.S., the Study List cannot be used in the administration or implementation of any regulatory program. A TMDL shall not be established for a waterbody placed on the Study List pursuant to subsection 62-303.390(2), F.A.C., until such time as it is placed on the verified list pursuant to Part IV of this Chapter.

(2) A Class I, II, or III water shall be placed on the study list if:

(a) No change.

(b) A waterbody segment does not achieve the Biological Health Assessment provisions in Rule 62-303.430, F.A.C., but a cause causative pollutant has not been identified;

(c) A waterbody segment is verified as not meeting the dissolved oxygen criterion pursuant to Part IV of this Chapter, but a cause causative pollutant has not been identified;

(d) No change.

(e) For streams meeting the definition in subsection 62-302.200(36), F.A.C., the nutrient thresholds in subparagraph 62-302.531(c)2, 62-302.531(2)(e)3, F.A.C., are exceeded based on data from the last 7.5 years and insufficient Biological Health Assessment, chlorophyll *a*, or other response variable data are available to fully assess achievement of the

nutrient provisions in paragraph 62-302.531(2)(c), F.A.C. A TMDL shall not be established for the waterbody prior to the collection of additional response variable data and the conclusion of the next assessment cycle.

(3) through (5) No change.

62-303.430 Biological Impairment.

(1) All Biological Health Assessments used to list a water on the verified list shall be conducted and interpreted in accordance with Chapter 62-160, F.A.C., including Department-approved Standard Operating Procedures and the Department documents, *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), which was incorporated ~~adopted~~ by reference in subsection 62-303.200(29) ~~62-303.200(10)~~, F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated ~~adopted~~ by reference in subsection 62-303.200(9) ~~62-303.200(30)~~, F.A.C. To be used for placing waters on the verified list, any Biological Health Assessments conducted before the adoption of applicable SOPs for such Biological Health Assessments as part of Chapter 62-160, F.A.C., shall substantially comply with the subsequent SOPs. Biological Health Assessments conducted during conditions inconsistent with the applicable primer shall be excluded from the assessment.

(2) through (6) No change.

## DEPARTMENT OF HEALTH

### Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-4.007	Military Spouse Temporary Professional License Fee

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a)1.2. and 3., F.S.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Lola Pouncey, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260.

## DEPARTMENT OF HEALTH

### Division of Medical Quality Assurance

RULE NO.:	RULE TITLE:
64B-9.003	Military Spouse Temporary License

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1., 2. and 3., F.S.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Lola Pouncey, Bureau Chief, Bureau of Operations, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-11.001      RULE TITLE: Application for Licensure 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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall now read as follows:
  - (1) Any person desiring to be licensed as a chiropractor shall apply to the Department of Health on board approved form DH-MQA 1147, (Rev 11/2011), Application for Chiropractic Examination and Initial Licensure, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, or from its website at [http://www.doh.state.fl.us/mqa/chiro/ap\\_chap.doc](http://www.doh.state.fl.us/mqa/chiro/ap_chap.doc).
2. 456.039, F.S. will be added as Law Implemented.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.002      RULE TITLE: Supervisor

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.001      RULE TITLE: Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-9.001      RULE TITLE: Application Fees

**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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- Subsection (5) shall now read as follows:
- (5) Public Health Science Technician – \$25
- THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-9.002      RULE TITLE: Initial Licensure Fees

**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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- Subsection (1)(e) shall now read as follows:
- (e) Public Health Technician – \$25
- THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-10.005      RULE TITLE: Scope of Practice Relative to Specialty of Licensure

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-7.0081  
 RULE TITLE: Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

**NOTICE OF PUBLIC HEARING**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling announces a hearing regarding the above rule, as noticed in Vol. 37, No. 41, October 14, 2011 Florida Administrative Weekly.

DATE AND TIME: Thursday, February 9, 2012, 2:00 p.m., or as soon thereafter as can be heard

PLACE: DoubleTree by Hilton, Tampa Airport Westshore, 4500 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed text of Rule 64B4-7.0081, F.A.C.

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 five days before the workshop/meeting by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. 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).

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-12.005  
 RULE TITLE: Competency and Knowledge Requirements Necessary to Qualify the LPN to Administer IV Therapy

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 37 No. 43, October 28, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.005  
 RULE TITLE: Domains of Practice, Objectives, Reports

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 11, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

The person to be contacted regarding the above change is: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-5.005  
 RULE TITLE: Mandatory Courses

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE NO.: 64B21-500.002  
 RULE TITLE: Application Form Required for Licensure

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1., 2. and 3., F.S.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Allen Hall, Executive Director, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Naturopathic Examiners**

RULE NOS.:	RULE TITLES:
64B28-3.001	Annual Educational Requirements
64B28-3.002	Exceptions

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

The repeal of these rules will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2)(a)1., 2. and 3., F.S.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Joy Tootle, Executive Director, 4052 Bald Cypress Way, Bin #C-03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.:	RULE TITLE:
64B33-2.003	Requirements for Continuing Education

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 27, 2011 and December 8, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary because the rule changes were necessitated by statutory changes. No further information was reviewed. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.:	RULE TITLE:
64B33-2.005	Requirements for Reactivation of an Inactive License

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 27, 2011 and December 8, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary because the rule changes were necessitated by statutory changes. No further information was reviewed. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. These rule amendments will not require ratification by the Legislature.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.005	Food and Nutrition
65C-22.008	School Age Child Care
65C-22.010	Enforcement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 44, November 5, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NO.: 65G-4.014                      RULE TITLE: Eligibility for Agency Services – Definitions

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. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

No changes have been made to Proposed Rules 65G-4.015, 4.016, and 4.017.

65G-4.014 Eligibility for Agency Services – Definitions.

(1) Autism means a condition which meets the requirements of Section 393.063, F.S., that the condition is:

(a) Pervasive, meaning always present and without interruption;

(b) Neurologically based, meaning that the condition is not the result of physical impairment;

(c) A developmental disability with age of onset during infancy or childhood;

(d) With extended duration, meaning that the condition reasonably can be expected to continue indefinitely into the future;

(e) Causes severe learning disorders resulting in both severe communication disorders affecting both verbal and nonverbal skills, and severe behavior disorders. Autism is characterized by an individual evidencing at least six of the following twelve features from the following subparts 1 and 2, with at least one feature from subpart 2:

1. Severe communication disorders, which may include:

i. A delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime);

ii. Stereotyped and repetitive use of language or idiosyncratic language;

iii. For those applicants with speech, marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction;

iv. Failure to develop peer relationships appropriate to developmental level;

v. A lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., by a lack of showing, bringing, pointing out objects of interest, or achievements to others);

vi. Lack of social or emotional reciprocity;

vii. Marked impairment in the ability to initiate or sustain a conversation with others in individuals with adequate speech; or

viii. Impaired imaginative ability evidenced by a lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level.

2. Severe behavior disorders, which are restricted, repetitive and stereotyped patterns of behavior, interests, and activities which may include:

ix. Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

x. Apparently inflexible adherence to specific, nonfunctional routines or rituals;

xi. Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements); or

xii. Persistent preoccupation with parts of objects.

(2) through (9) No change.

Rulemaking Authority 393.065, 393.501, 393.063 FS. Law Implemented 393.065 FS. History–New \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.: 68B-22.002                      RULE TITLES: Definitions  
68B-22.005                      Bag and Vessel Limits; Sale Prohibited

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. 37, No. 9, March 4, 2011 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-22.002 has been changed to include the following new effective date:

68B-22.002 Definitions.

(1) through (14) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended 3-17-04, 7-1-06, ~~2-1-12 Amended 7-1-11.~~

Proposed amendment to Rule 68B-22.005 has been changed to include the following new subsection and new effective date:

68B-22.005 Bag and Vessel Limits; Sale Prohibited.

(1) through (3) No change.

(4) Transport Possession Limit – No person shall possess more than six native red drum while in transit on land.

~~(5)~~**(4)** Sale of Native Redfish Prohibited – The purchase, sale, or exchange of any native redfish is prohibited. This prohibition, however, does not apply to legally harvested non-native redfish that have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such redfish for sale or exchange to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such redfish originated from a point outside the waters of the State of Florida, and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 2-12-87, Amended 1-1-89, 6-3-91, 1-1-96, Formerly 46-22.005, Amended 3-17-04, 2-1-12 Amended 7-1-11.

No other changes were made to the rule amendments as proposed.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-37.002	Definitions
68B-37.003	Size Limits
68B-37.004	Regional Bag Limits
68B-37.005	Commercial Seasons; Daily Harvest Limit; Vessel Limit
68B-37.006	Gear Specifications and Prohibited Gear; Bycatch Allowance

**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. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

Proposed amendment to Rule 68B-37.002 has been changed to amend the effective date and clarify the border between two regions:

68B-37.002 Definitions.

(1) through (6) No change.

(7) “Southeast Region” means all state waters lying south of the Flagler-Volusia County Line and north of the Miami-Dade-Monroe County Line at Card Sound, and adjacent federal Exclusive Economic Zone (EEZ) waters.

(8) “Southwest Region” means all state waters lying south and west of the Miami-Dade-Monroe County Line at Card Sound and south of the southern boundary of the Northwest

Region on the Gulf of Mexico in Pinellas County, as specified in subsection (6), and adjacent federal Exclusive Economic Zone (EEZ) waters.

(9) through (10) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00, 7-1-06, ~~1-1-12~~ 2-1-12.

Proposed amendment to Rule 68B-37.003 has been changed to amend the effective date:

68B-37.003 Size Limits.

(1) through (3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.003, Amended 7-1-00, ~~1-1-12~~ 2-1-12.

Proposed amendment to Rule 68B-37.004 has been changed to amend the bag limit and the effective date:

68B-37.004 Regional Bag Limits.

~~(1)~~**(4)** Regional bag limits – Except as provided in Rule 68B-37.005, F.A.C. no person shall harvest more spotted seatrout per day or possess at any time, within or without state waters or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters, more spotted seatrout than the specified bag limit established in this subsection within the following identified regions:

~~(1)~~**(4)** Southeast and Southwest Regions– Four (4) spotted seatrout.

~~(2)~~**(5)** Northwest ~~and Northeast~~ Regions – Five (5) spotted seatrout.

(3) Northeast Region – Six (6) spotted seatrout.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.004, Amended 7-1-00, ~~1-1-12~~ 2-1-12.

Proposed amendment to Rule 68B-37.005 has been changed to amend the effective date, change the commercial seasons, and change time for allowable sale:

68B-37.005 Commercial Seasons; Daily Harvest Limit; Vessel Limit.

(1) Commercial Season – The harvest of spotted seatrout for commercial purposes shall be limited each year to the period established in this subsection within the following identified regions:

(a) Southwest Region and Northwest Region ~~and Northeast Region~~ – Beginning June 1 and continuing through October August 31.

(b) Southeast Region – Beginning May 1 and continuing through September 30 ~~31~~.

~~(c) Northwest Region – Beginning September 1 and continuing through January 31.~~

(c) Northeast Region – Beginning June 1 and continuing through November 30.

Such harvest is limited to persons possessing a valid saltwater products license with a restricted species endorsement.

(2) Commercial Daily Harvest Limit and Vessel Limit – Each person harvesting spotted seatrout for commercial purposes pursuant to subsection (1) of this rule shall be governed by a daily harvest limit of 75 spotted seatrout per day. No such harvester shall possess within or without state waters more than 75 spotted seatrout. The possession of more than 150 spotted seatrout aboard any vessel within or without state waters with two or more commercial licensees aboard is prohibited. The towing of any vessel in order to exceed the commercial daily harvest limit or vessel limit established by this subsection is prohibited.

(3) No change.

(4) Sale of spotted seatrout shall adhere to the following restrictions:

(a) In a closed region, within the first 30 days following a regional closure, inventory of spotted seatrout may be possessed or sold, and all spotted seatrout in inventory must be reported to the Commission on the Closed Season Spotted Seatrout Declaration Form DMF-3700 (02/12), which is hereby incorporated by reference. Copies can be obtained by contacting the Fish and Wildlife Conservation Commission, Saltwater Licenses and Permits, 620 S. Meridian Street, Tallahassee, Florida, 32399-1600 or at <http://www.flrules.org/>. Form DMF-3700 (02/12) must be submitted to the Commission by the seventh day after a regional closure and a copy shall be held at the place of business through the 30 days following a regional closure. After 30 days following a regional closure, no spotted seatrout may be possessed in a closed region, except as provided for in (c). At the initial sale, no wholesale dealer located in a region that is closed to commercial harvest may purchase spotted seatrout.

(b) ~~During the closed season, no person, firm or corporation shall have in their possession, sell or offer for sale, any spotted seatrout or any parts thereof, except for:~~

1. ~~Spotted seatrout placed in inventory prior to the close of the fishing season in that region by a wholesale or retail dealer as defined in Section 379.414, Florida Statutes;~~

2. ~~Spotted seatrout purchased from a wholesale dealer located in an open region, or~~

3. ~~Spotted seatrout legally harvested outside Florida, which have entered the State of Florida in interstate commerce.~~

(c) ~~During the closed season all spotted seatrout in inventory must be reported to the Commission on the Closed Season Spotted Seatrout Declaration Form DMF-3700 (01/12), which is hereby incorporated by reference. Copies can be obtained by contacting the Fish and Wildlife Conservation Commission, Division of Marine Fisheries, 2590 Executive Center Circle E, Suite 203, Tallahassee, Florida 32301 or at <http://www.flrules.org/>.~~

~~(d) Form DMF-3700 (01/12) must be submitted to the Commission by the seventh day of the each month during the closed season and a copy shall be held at the place of business during the closed season.~~

~~(b)(e)~~ For purposes of form DMF-3700 (02/12) ~~(01/12)~~, the following counties are included in the regions:

1. Northeast Region includes Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties;

2. Southeast Region includes Brevard, Broward, Dade, Indian River, Lake, Martin, Okeechobee, Orange, Osceola, Palm Beach, Seminole, St. Lucie, and Volusia Counties;

3. Southwest Region includes Charlotte, Collier, De Soto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Monroe, Pinellas, Polk, and Sarasota Counties;

4. Northwest Region includes Alachua, Bay, Bradford, Calhoun, Citrus, Columbia, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Hernando, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Okaloosa, Pasco, Santa Rosa, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties.

~~(c)(f)~~ A wholesale dealer or retailer may import spotted seatrout from outside Florida. However, the burden shall be upon any person possessing imported spotted seatrout during the regional closed seasons to establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such spotted seatrout was in inventory prior to the regional closure, was purchased from a wholesale dealer in an open region, or originated from a point outside Florida and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, Formerly 46-37.005, ~~1-1-12~~ 2-1-12.

Proposed amendment to Rule 68B-37.004 has been changed to amend the effective date:

68B-37.006 Gear Specifications and Prohibited Gear; Bycatch Allowance.

(1) through (3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 11-1-89, Amended 1-1-96, Formerly 46-37.006, ~~1-1-12~~ 2-1-12.

No other changes were made to the rule amendments as proposed.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.:                   RULE TITLE:  
69B-162.009                Licensing of Agents  
                                  NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37 No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeal will not require legislative ratification based on the following information. This rule is being repealed since it is obsolete. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NOS.:                RULE TITLES:  
69B-175.006                Unfair Discrimination in Private  
                                  Passenger Motor Vehicle Insurance  
                                  Rates – Allocation of  
                                  Administrative Expenses  
69B-175.008                Unfair Discrimination in Private  
                                  Passenger Motor Vehicle Insurance  
                                  Rates – Based on History of  
                                  Accidents  
69B-175.010                Unfair Discrimination in Private  
                                  Passenger Motor Vehicle Insurance  
                                  – Based on Age

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37 No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The following is added to the end of the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The proposed rule repeals will not require legislative ratification based on the following information. These rules are repealed since they are duplicative of their correspondingly numbered rules in Chapter

69O-175, F.A.C., which are administered by the Office of Insurance Regulation. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NOS.:                RULE TITLES:  
69B-241.030                Definitions  
69B-241.040                Calculating Penalty  
69B-241.080                Penalties for Violation of Section  
                                  648.44, F.S.  
69B-241.090                Penalties for Violation of Section  
                                  648.45, F.S.  
69B-241.100                Penalties for Violation of Other  
                                  Specific Provisions of the Insurance  
                                  Code  
69B-241.110                Penalties for Violation of Specific  
                                  Provisions of Rule Chapter  
                                  69B-221, F.A.C.  
69B-241.130                Penalties for Violation of Other  
                                  Department Rules  
69B-241.140                Penalties for Violation of  
                                  Department Orders  
69B-241.165                Imposition of Administrative Fine In  
                                  Lieu of Suspension  
69B-241.170                Field Office Settlement Stipulation

**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. 23, June 11, 2010 issue of the Florida Administrative Weekly.

These changes are made in response to a proposed objection by the Joint Administrative Procedures Committee.

The language included under the Summary of Statement of Estimated Regulatory Costs is changed as follows: Summary of Estimated Regulatory Costs and Legislative Ratification: The Department has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of this rule. A SERC has not been prepared by the Department.

The Department has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs or if no SERC is required, the information expressly relied upon and described herein: The Department has determined the proposed rule

chapter will not result in additional costs to small businesses because it simply quantifies and organizes the penalty structure as found under the existing statute and regulations.

69B-241.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) through (3) No change.

(4) “Department” means the Florida Department of Financial Services.

(5) “Final penalty” means the penalty imposed on a licensee by the Department.

(6) “Penalty per count” means the penalty to be assessed for a single count and is equal to the highest stated penalty in the count for all proven violations.

(7) “Reasonable distance” means the sign must be easily read from the center of the public street or road in front of the agency’s location.

(8) and (9) No change.

69B-241.040 Calculating Penalty.

(1) and (2) No change.

(3) Final Penalty.

(a) No change.

(b) The Department shall convert the total penalty to an administrative fine and probation if:

1. The licensee has not previously been subjected to an administrative penalty and the current action does not involve a violation of Sections 648.45 or 648.571, F.S.;

2. Any restitution due a consumer has been fully paid.

(c) No change.

(d) In the event that the final penalty would exceed a suspension of 2 years (24 months), the final penalty shall be revocation. This provision shall not apply to an immediate temporary suspension imposed pursuant to Section 648.45(1), F.S.

69B-241.080 Penalties for Violation of Section 648.44, F.S.

If it is found that the licensee has violated any of the following subsections of Section 648.44, F.S., the following stated penalty shall apply:

(1) through (27) No change.

(28) The period of suspension may not exceed 2 years (24 months) as required by 648.49(1), F.S.

(29) A person who has had his/her license suspended for 2 years (24 months) will need to re-apply for licensure as provided in Rule 69B-241.200, F.A.C.

69B-241.090 Penalties for Violation of Section 648.45, F.S.

If it is found that the licensee has violated any of the following subsections of Section 648.45, F.S., for which suspension or revocation of license(s) and appointment(s) is authorized, the following stated penalty shall apply:

(1) through (8) No change.

(9) Section 648.45(2)(h), F.S. – Suspension for not less than 1 month for each count, plus full restitution for the first violation; suspension for not less than 12 months up to 24 months, plus full restitution for every violation subsequent to the first.

(10) Section 648.45(2)(i), F.S. – Administrative fine equal to two times the amount paid or foregone for the first violation; suspension for not less than 6 months up to 12 months and an administrative fine equal to five times the amount paid or foregone, for every violation subsequent to the first.

(11) through (14) No change.

(15) Section 648.45(2)(n), F.S. – An administrative fine equal to five times the dollar amount or value of the collateral as provided in Section 648.571(4), F.S., and a suspension for not less than 3 months for every violation.

(16) through (20) No change.

(21) Section 648.45(3)(d), F.S. –

(a) Temporary suspension which shall continue until all money belonging to any insurer has been fully paid to the proper insurer; and

(b) No change.

(c) If the calculated penalty is greater than 2 years (24 months) the penalty shall be revocation.

(22) through (23) No change.

(24) The period of suspension may not exceed 2 years (24 months) as required by Section 648.49(1), F.S.

(25) A person who has had his/her license suspended for 2 years (24 months) will need to re-apply for licensure as provided in Rule 69B-241.200, F.A.C.

69B-241.100 Penalties for Violation of Other Specific Provisions of the Insurance Code.

If a licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

(1) through (16) No change.

(17) Section 648.382(2)(b), F.S. – Denial or suspension of appointment and an administrative fine shall be imposed in an amount equal to the total amount owed to the insurer. The administrative fine is in addition to the amount owed to the insurer that shall also be paid.

(18) No change.

(19) Section 648.382(5), F.S. – Administrative fine of not less than \$250 and not more than \$500 for the first violation; an administrative fine of not less than \$500 for every violation subsequent to the first not to exceed the amount provided in Section 648.52 and/or 648.571, F.S.

(20) through (22) No change.

(23) Section 648.40(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(24) Section 648.41, F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(25) Section 648.421, F.S. – Suspension for not more than 6 months for the first violation; suspension for not less than 3 months but not more than 12 months for every violation subsequent to the first.

(26) Section 648.43(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(27) Section 648.43(3), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 6 months for every violation subsequent to the first.

(28) Section 648.441(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(29) Section 648.442(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(30) Section 648.442(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for 12 months for every violation subsequent to the first.

(31) Section 648.442(3), F.S. – Suspension for not less than 3 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(32) Section 648.442(4), F.S. – Suspension for not less than 12 months up to 24 months; revocation for any subsequent violation.

(33) Section 648.442(5), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(34) Section 648.442(6), F.S. – Suspension for not less than 3 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(35) Section 648.442(7), F.S. – Suspension for not more than 12 months for the first violation; suspension for not less than 6 months up to 24 months for every violation subsequent to the first.

(36) Section 648.442(8), F.S. – Suspension of all current appointments until the licensee is in compliance.

(37) Section 648.442(10), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(38) Section 648.4425(1), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(39) Section 648.4425(2), F.S. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(40) Section 648.50(3), F.S. – Suspension for not more than 12 months.

(41) Section 648.55, F.S. – Suspension of license of the primary bail bond agent of that agency until such time as all bail bond agents in the agency are in compliance.

(42) Section 648.571, F.S. – Suspension for not less than 12 months up to 24 months for the first violation; revocation for any subsequent violation.

(43) If the calculated penalty for the sections of this rule is greater than 2 years (24 months) the penalty shall be revocation.

69B-241.110 Penalties for Violation of Specific Provisions of Rule Chapter 69B-221, F.A.C.

If the licensee is found to have willfully violated any of the following Department rules, the following stated penalties shall apply:

(1) through (3) No change.

(4) Paragraph 69B-221.051(4)(a), F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not less than 6 months up to 12 months for every violation subsequent to the first.

(5) Paragraph 69B-221.051(4)(b), F.A.C. – Administrative fine of up to two times the amount of hours worked times the amount of minimum salary or wages as required by Florida minimum wage Act, pursuant to Section 448.110 F.S.

(6) Paragraph 69B-221.051(4)(c), F.A.C. – Except for violations for which the penalty is stated in the Florida Statutes, the penalty shall be suspension for not more than 6 months and an administrative fine of \$500 per report.

(7) Subsection 69B-221.055(1), F.A.C. – Administrative fine of \$1,000.

(8) Subsection 69B-221.055(2), F.A.C. – Suspension for 6 months and an administrative fine of \$250 per file.

(9) Rule 69B-221.060, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not less than 3 months but not more than 12 months for every violation subsequent to the first.

(10) Rule 69B-221.065, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(11) Rule 69B-221.085, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(12) Rule 69B-221.095, F.A.C. – Suspension for 3 months for the first violation; suspension for not less than 12 months up to 24 months for every violation subsequent to the first.

(13) Rule 69B-221.100, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(14) Rule 69B-221.105, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(15) Rule 69B-221.110, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(16) Rule 69B-221.115, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(17) Rule 69B-221.120, F.A.C. – Suspension for not more than 6 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(18) Rule 69B-221.130, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(19) Rule 69B-221.135, F.A.C. – Suspension for not more than 12 months for the first violation; suspension for not less than 12 months for every violation subsequent to the first.

(20) Rule 69B-221.140, F.A.C. – Suspension for not more than 3 months for the first violation; suspension for not more than 12 months for every violation subsequent to the first.

(21) Rule 69B-221.145, F.A.C. – Suspension for 3 months for the first violation; suspension for 24 months up to revocation for every violation subsequent to the first.

69B-241.130 Penalties for Violation of Other Department Rules.

If the licensee is found to have willfully violated a Department rule, the stated penalty shall be a six (6) month suspension, unless otherwise prescribed in these rules or in the specific rule violated.

69B-241.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension, unless the penalty is prescribed in the order violated itself.

69B-241.165 Imposition of Administrative Fine In Lieu of Suspension.

An administrative fine imposed pursuant to Section 648.52, F.S., shall be \$1,000 per month of suspension.

69B-241.170 Field Office Settlement Stipulation.

The Department shall offer a Field Office Settlement Stipulation (“FOSS”) to any licensee as an opportunity to pay a fine for an alleged violation in lieu of the administrative hearing process. The FOSS shall only be offered to the respondent for committing certain non-criminal violations. The Department shall use form DFS-H1-2021 (Effective: 11/2011) titled “Field Office Settlement Stipulation Program (FOSS)”, which is adopted and incorporated herein by reference, to outline such violations and their respective FOSS fine amount. The copy of this form is available on the Department’s website at <http://www.MyFloridaCFO.com/agents/Licensure/Forms/index.htm>. The fines utilized on the FOSS shall be as follows:

(1) Advertising/Signage:

(a) Misleading and deceptive advertisement: \$500;

(b) Advertising under an unregistered trade name : \$500;

(c) Failure to include address of record filed with Department in advertising: \$500;

(d) Advertising/other/Failure to (specify allegation): \$500;

(e) Place of business not suitable as an agency: \$1,000;

(f) Signage not readable from reasonable distance: \$1,000;

(2) Business Engagement/Licensee:

(a) Place of business not open and accessible during business hours as defined by 69B-221.051(3), F.A.C.: \$1,000;

(b) Failure to designate primary bail bond agent for each bail bond agency location: \$1,000;

(c) Failure to submit Designation of Primary Bail Bond Agent form to the Department: \$1,000;

(d) Failure to notify the Department of any change to the bail bond agency name, ownership, primary bail bond agent, or other operator of the bail bond agency: \$1,000;

(e) Failure to appoint all bail bond agents with the same companies within the same bail bond agency: \$1,000;

(f) Failure to prominently display and post applicable service credit card charge: \$1,000;

(3) Record Keeping:

(a) Failure to maintain a register: \$500;

(b) Failure to produce a register: \$500;

(c) Failure to keep an individual file for each principal for whom bond is made: \$250;

(d) Failure to keep in an individual file all the documents of a principal as defined in rule: \$250;

(e) Failure to complete or correctly write original application form: \$250;

(f) Failure to properly execute power of attorney/bond power number: \$500;

(g) Failure to state terms and conditions of the contract for a bail bond: \$500;

(h) Failure to provide Information Notice (Department’s contact address): \$500;

(i) Failure to use a pre-numbered premium receipt: \$1,000;

(j) Failure to include name and address of agency on premium receipt: \$1,000;

(k) Failure to include name and address of surety company on premium receipt: \$1,000;

(l) Failure to use a pre-numbered collateral receipt: \$1,000;

(m) Failure to give to person giving collateral a pre-numbered collateral receipt: \$1,000;

(n) Failure to include name and address of agency on collateral receipt: \$1,000;

(o) Failure to include name and address of surety company on collateral receipt: \$1,000;

(p) Failure to attach the affidavit accepting collateral on the Department prescribed form to the bond within 30 days of the release of the defendant: \$500;

(q) Failure to respond to Department’s request for information: \$1,000;

(r) Failure to indicate name and address of referring agent on transfer bond: \$500;

(s) Failure to complete statement of surrender: \$500;

(t) Failure to keep copies of bond forfeiture documents in individual files: \$250;

(u) Failure to file notice of change of bail bond agency name, business and/or personal addresses and phone numbers with the Department: \$1,000;

(4) Licensing/Appointments:

(a) Failure to submit to Department temporary bail bond agent certified monthly employment reports: \$500;

(b) Failure to file with the Department the temporary bail bond agent appointment: \$500;

(c) Failure to notify Department about termination of appointment of temporary bail bond agent: \$1,000.

The remainder of the rule reads as previously published.

## Section IV Emergency Rules

### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

#### Family Safety and Preservation Program

RULE NO.:                      RULE TITLE:  
65CER11-1                      General Information

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-161, sections 17 & 18, Laws of Florida, eliminated the Department of Health’s (DOH) authority to license and inspect food preparation and food service in child care facilities (i.e. daycare). The Department currently has minimal rules providing standards for food preparation and food service. A rule amendment is needed to provide the standards and an enforcement process to provide for minimal food safety in child care facilities. The Department enacted an Emergency rule on July 29, 2010, that incorporated 64E-11 F.A.C. along with an interchange agreement with DOH to continue conducting food service inspections in child care facilities until the end of the FY 2010-11. During which time the Department published a notice of rule development, held public two workshops, held a public hearing, and revised proposed rule language based on public comment/feedback and to satisfy concerns presented by JAPC. The proposed rule language was ultimately approved by JAPC to continue with rule adoption. However, based on constituent concerns and guidance provided the Office of Fiscal Accountability and Regulatory Reform; the Department is withdrawing the rule

and a new rule amendment has been developed and is under review. Upon review the Department will move forward with a new Notice of Rule Development and host public workshops. The intent of this emergency rule revision is to create the necessary verbiage that will appropriately reflect food hygiene standards for continued safety and well-being of the children served by Department of Children and Families. This emergency rule revision will allow the Department to inspect the food hygiene standards in child care facilities that provide food service.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-22, Florida Administrative Code is the most efficient means of providing guidance to protect the health, safety, and welfare of children attend child care licensed by the Department.

SUMMARY: The new rule provides standards for the regulation of food hygiene in licensed child care programs.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dinah Gallon, Child Care Program Office, 1317 Winewood Boulevard, Building 6, Room 388, Tallahassee, Florida 32399, Phone: (850)488-4900, Email: Dinah\_Gallon@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER11-1 (65C-22.001) General Information.

(1) Application.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, March 2009, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department’s website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) Each completed CF-FSP Form 5017 must be submitted with the licensure fee pursuant to Section 402.315, F.S.

(c) The completed CF-FSP Form 5017 must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and an approved fire ~~and environmental health~~ inspections.

(d) A completed CF-FSP Form 5017 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.010(2)(d), F.A.C.

(e) Urban Child Care.

1. In order to be classified as an urban child care facility, the applicant, prior to submitting an application for licensure must: