

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Mark Merry, Bureau Chief, Bureau of Auditing, Division of
 Accounting and Auditing, 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: September 17, 2011

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.6058	Publication and Requests for Notification of Permit Applications or Notices of Intent
40E-1.607	Permit Application Processing Fees
40E-1.659	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. 36, September 9, 2011 issue of the Florida Administrative Weekly.

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.

(2)(b) Within 14 days of filing notice of intent to use a general permit or application for a standard general permit, persons qualifying for the use thereof are not required to, but may publish notice of such filing in a newspaper of general circulation, as defined in Chapter 50, F.S., in the area affected by the proposed project. Proof of publication shall be submitted to the District within 14 days of publication.

PROPOSED EFFECTIVE DATE: December 15, 2011

40E-1.607 Permit Application Processing Fees.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Category	Amount
New Standard General Permit (excluding incidental site activities pursuant to Rule 40E-40.042, F.A.C.)	
Agriculture	\$859
All others	\$3,500

(6)(c) The governing body submits Certification of Waiver of Permit Application Processing Fee, Form No. 0889, certifying that the permit processing fee is a fiscal hardship due to one of the following factors:

1. through 5. No change.

Form 0889, effective date December 2011, is incorporated by reference herein and availables Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext. 6436 or (561)682-6436.

PROPOSED EFFECTIVE DATE: December 15, 2011

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

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NO.: 18-14.002
 RULE TITLE: Determination of Fines
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. 47, November 24, 2010 issue of the Florida Administrative Weekly.

18-14.002 Determination of Fines.

(1) through (2) No change.

(3) Payment of all or part of a fine shall ~~may~~ be waived based on the criteria in subsections 18-14.002(2) and (5), F.A.C., when purposes of Chapter 253, F.S., and the rules promulgated thereunder are not frustrated, and when fairness would result.

(4) through (5) No change.

CONTACT: Mary VanTassel, DEP, 2600 Blair Stone Rd., MS 2500, Tallahassee, FL 32399-2400; telephone (850)245-8486; or e-mail Mary.VanTassel@dep.state.fl.us.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331
 RULE TITLE: Modification of Permits
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.

Correction is made to the date listed as the date the Notice of Rule Development appeared in Florida Administrative Weekly from September 27, 2011 to the correct date of October 7, 2011.

40E-1.659 Forms and Instructions.

0444 ~~8-95~~ 12-11 Application for a Standard Permit for Incidental Site Activities, incorporated by reference in paragraph 40E-40.042(5), F.A.C.

PROPOSED EFFECTIVE DATE: December 15, 2011.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

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. 36, September 9, 2011 issue of the Florida Administrative Weekly.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference herein:

(a) Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, effective date December 1, 2011, which incorporates the following forms or materials by reference herein:

1. Form No. 0972, Petition for a Formal Wetland and Surface Water Determination, effective date December 1, 2011 (referenced in Section 4.5.1);

2. Form No. 1019, Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011 (referenced in Section 4.4.4.7);

3. Form No. 1020, Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011 (referenced in Section 4.4.4.7);

4. Form No. 1021, Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011 (referenced in Section 4.4.4.7);

5. Form No. 1022, Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance, effective date December 1, 2011 (referenced in Section 4.4.4.7);

6. Form No. 1023, Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance, effective date December 1, 2011 (referenced in Section 4.4.4.7);

7. Form No. 1024, Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance, effective date December 1, 2011; (referenced in Section 4.4.4.7)

8. Form No. 1105, Performance Bond, effective date December 1, 2011 (referenced in Section 4.3.7.6);

9. Form No. 1106, Irrevocable Letter of Credit, effective date December 1, 2011 (referenced in Section 4.3.7.6);

10. Form No. 1190, Deed of Conservation Easement (Standard), effective date December 1, 2011 (referenced in Section 4.3.8);

11. Form No. 1191, Deed of Conservation Easement (Standard Passive Recreational), effective date December 1, 2011 (referenced in Section 4.3.8);

12. Form No. 1192, Deed of Conservation Easement (Standard Riparian), effective date December 1, 2011 (referenced in Section 4.3.8);

13. Form No. 1194, Deed of Conservation Easement (Third Party Standard), effective date December 1, 2011 (referenced in Section 4.3.8);

14. Form No. 1195, Deed of Conservation Easement (Third Party Passive Recreational), effective date December 1, 2011 (referenced in Section 4.3.8);

15. Form No. 1196, Deed of Conservation Easement (Third Party Riparian), effective date December 1, 2011 (referenced in Section 4.3.8);

16. Form No. 1197, Restrictive Covenant (Standard), effective date December 1, 2011 (referenced in Section 4.3.8);

17. Form No. 1318, Deed of Conservation Easement (Local Governments), effective date December 1, 2011 (referenced in Section 4.3.8);

PROPOSED EFFECTIVE DATE: December 15, 2011.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-40.042
 RULE TITLE: Standard Permit for Incidental Site Activities

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. 36, September 9, 2011 issue of the Florida Administrative Weekly.

40E-40.042 Standard Permit for Incidental Site Activities.

(5) An application for a Standard ~~General~~ Permit for ~~Incidental~~ ~~Incidental~~ Site Activities, Form No. 0444 must be submitted to conduct incidental site activities pursuant to this rule. Form No. 0444, effective date December 2011, is incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, ext 6436, or (561)682-6436.

PROPOSED EFFECTIVE DATE: December 15, 2011.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
 59G-5.010 Provider Enrollment
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 18, May 7, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
 64B3-4.001 Trainee Registration
 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 the Board’s vote at the meeting held on October 18, 2011. The changes are as follows:

1. Subsection (2) shall now read as follows:
 (2) An applicant for trainee registration shall apply to the Department Form #DH-MQA 3005 (10/11) “Clinical Laboratory Trainee” which is incorporated by reference herein copies of which, can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

2. Subsection (6) shall now read as follows:
 (6) If the trainee is unable to complete the training by the date indicated on the application for initial registration due to the reasons set forth in subsection (7), then the program director is responsible for ensuring that Form #DH-MQA 1165 (10/11) “Request to Extend Trainee Registration”, which is incorporated by reference herein is submitted to the Board. Copies of the form can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

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.: RULE TITLE:
 64B3-6.002 Documentation for Licensure

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 the Board’s vote at the meeting held on October 18, 2011. The changes are as follows:

1. Subsection (4) shall now read as follows:
 (4) A civil notarized copy of certificate of attendance or documentation of training required pursuant to Chapters 64B3-3 and 64B3-4, F.A.C., and continuing education required pursuant to Chapter 64B3-11, F.A.C., including one (1) hour HIV/AIDS continuing education, and the 2-hour course on medical error prevention.

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 Nursing

RULE NO.: RULE TITLE:
 64B9-7.001 Fees
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
 65A-1.205 Eligibility Determination Process
 NOTICE OF PUBLIC HEARING

The Department of Children and Family Services announces a change of hearing regarding the above rule, as noticed in Vol. 37, No. 40, October 7, 2011 Florida Administrative Weekly.

DATE AND TIME: November 8, 2011, 10:00 a.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed rule amendment amends the ACCESS Florida Web Application, CF-ES 2353.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil, ACCESS Florida Program Policy, (850)717-4113, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us. If

you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.400
 RULE TITLE: Forms for Client Notice and Contact
 NOTICE OF PUBLIC HEARING

The Department of Children and Family Services announces a hearing regarding the above rule, as noticed in Vol. 37, No. 40, October 7, 2011 Florida Administrative Weekly.

DATE AND TIME: November 8, 2011, 11:00 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The amendment removes the ACCESS Florida Web Application, CF-ES 2353, to incorporate in Rule 65A-1.205, F.A.C., and includes revisions to update the rule content.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil, ACCESS Florida Program Policy, (850)717-4113, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:	RULE TITLES:
68B-42.002	Definitions
68B-42.003	Prohibition of Harvest: Longspine Urchin, Bahama Starfish
68B-42.0035	Live Landing and Live Well Requirements
68B-42.0036	Harvest in Biscayne National Park Prohibited; Exception
68B-42.004	Size Limits
68B-42.005	Recreational Bag Limit
68B-42.006	Commercial Season, Harvest Limits
68B-42.0065	Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability

68B-42.008	Live Rock: Harvest in State Waters Prohibited; Aquacultured Live Rock Harvest and Landing Allowed
68B-42.009	Prohibition on the Taking, Destruction, or Sale of Marine Corals and Sea Fans; Exception

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rule did not state that the Agency had determined the proposed rule is not expected to require legislative ratification and state what information was relied upon. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required. staff.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: 69L-9.015
 RULE TITLE: Drug Testing Criteria
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on September 9, 2011, did not include complete information regarding the Statement of Estimated Regulatory Costs and Legislative Ratification.

The summary has been corrected to read as follows:

“SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: No Statement of Estimated Regulatory Cost was prepared. Following a review of the criteria found in Section 120.541(1), F.S., the Department has determined that the proposed rule will not have an adverse impact on small business, nor is the proposed rule likely to directly or indirectly increase regulatory costs, including transactional costs, in excess of \$200,000 within one year after implementation of the rule. Therefore, it has been determined that the proposed rule will not require legislative ratification.

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.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0155
 RULE TITLE: Forms

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. 21, May 27, 2011 issue of the Florida Administrative Weekly.

Form OIR-B1-1802 “Uniform Mitigation Verification Inspection Form” has been revised to reflect comments submitted at the public hearing. The revised form is available from the contact person, Michael Milnes at Michael.milnes@flor.com.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

The Violent Crime and Drug Control Council hereby gives notice that on October 13, 2011, the Violent Crime and Drug Control Council has issued an order.

On September 20, 2011, the Violent Crime and Drug Control Council received a petition for a permanent waiver of subsection 11N-1.0051(15), F.A.C., by the Fort Lauderdale Police Department. Subsection 11N-1.0051(15), F.A.C., forbids the use of Council moneys by grant recipient agencies to buy equipment. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 37, No. 37 on October 7, 2011.

On October 12, 2011, at its regularly scheduled business agenda meeting held via telephone conference from Tallahassee, Florida, the Council found that the Petitioner’s situation is not unique. The Petitioner failed to demonstrate that the strict application of the Council’s rules in this case would violate the principles of fairness. The Petitioner bought the equipment at issue with Council funds knowing that Council funding was not authorized for the purchase of equipment. The Council found that the purposes of the underlying statute, to ensure that the Council distributes grants in accord with its rules and that grantees use the funds in accord with Council rules, will not be met by granting this waiver request. The Commission denied the Petitioner’s waiver.

A copy of the Order or additional information may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32327 or by telephoning (850)410-7676.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that on September 26, 2011, the Agency for Workforce Innovation (now known as Florida’s Office of Early Learning), received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by: The Early Learning Coalition of Broward County, 6301 N.W. 5th Way, Suite 3400, Ft. Lauderdale, FL 33309.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Florida’s Office of Early Learning, 600 S. Calhoun St., Suite 152, Tallahassee, FL 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from Highland Towers, filed August 18, 2011, and advertised in Vol. 37, No. 35, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires platform guards until March 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2011-274).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on October 14, 2011, the Division issued an order. The Final Order was in response to a Petition for Variance from The 600 Center, filed August 22, 2011, and advertised in Vol. 37, No 35, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 ASME A17.3, 1996