

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Policy and Purpose
40E-10.021	Definitions
40E-10.031	Water Reservations Implementation
40E-10.061	Water Reservation Areas: Lower East Coast Planning Area

PURPOSE AND EFFECT: The Water Resources Development Act of 2000 (WRDA 2000) requires the State of Florida to reserve or allocate water for the natural systems associated with implementation of CERP projects. The District proposes to establish a water reservation for natural system water associated with the CERP Biscayne Bay Coastal Wetlands Project (Phase 1) to identify and reserve water from consumptive use and to ensure that water is available to provide the intended benefits to the natural system. The Water Reservation rule will require consumptive use permit applicants to provide reasonable assurances that their proposed use of water will not withdraw water reserved for the natural system.

SUBJECT AREA TO BE ADDRESSED: Water reservation for CERP Biscayne Bay Coastal Wetlands Project (Phase 1).

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

DATES AND TIMES: March 5, 2012, 10:00 a.m. – 12:00 Noon; April 6, 2012, 10:00 a.m. – 12:00 Noon

PLACE: Biscayne Bay National Park Headquarters, 9700 S.W. 328th Street, Homestead, FL 33033-5634

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: South Florida Water Management District Clerk, 1(800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Don Medellin, Principal Scientist, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL

33416-4680, 1(800)432-2045, ext. 6340 or (561)682-6340, email: dmedelli@sfwmd.gov, or Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6343 or (561)682-6343, email: belewis@sfwmd.gov. For procedural questions contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-10.011	Policy and Purpose
40E-10.021	Definitions
40E-10.031	Water Reservations Implementation
40E-10.041	Water Reservation Areas: Lower West Coast Planning Area

PURPOSE AND EFFECT: The Water Resources Development Act of 2000 (WRDA 2000) requires the State of Florida to reserve or allocate water for the natural systems associated with implementation of CERP projects. The District proposes to establish a water reservation for natural system water associated with the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir Project. The purpose of this water reservation is to identify and reserve water from consumptive use for the CERP Caloosahatchee River (C-43) West Basin Storage Reservoir Project and to ensure that water is available to provide the intended benefits to the natural system. The Water Reservation rule will require consumptive use permit applicants to provide reasonable assurances that their proposed use of water will not withdraw water reserved for the natural system.

SUBJECT AREA TO BE ADDRESSED: Water Reservation for CERP Caloosahatchee River (C-43) West Basin Storage Reservoir Project.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.470 FS.

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

DATES AND TIMES: February 27, 2012, 10:00 a.m. – 12:00 Noon; March 29, 2012, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901

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 hours before the workshop/meeting by contacting: South Florida Water Management District Clerk, 1(800)432-2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Don Medellin, Principal Scientist, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6340 or (561)682-6340, email: dmedelli@sfwmd.gov, or Beth Lewis, Senior Specialist Attorney, South Florida Water Management District, P.O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6343 or (561)682-6343, email: belewis@sfwmd.gov. For procedural questions contact Jan Sluth, Sr. Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-2.001
 RULE TITLE: General Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to rules regulating the conduct of races at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: This rule proceeding is to consider amendments to the general definitions governing pari-mutuel racing and the conduct of such racing.

RULEMAKING AUTHORITY: 550.0251(3), (5), 550.105(2)(b), 550.155(1), 550.1815(5), 550.2415(12), 550.2625(2)(d), 550.3551(10), 550.3615(5), 550.6305(5) FS.

LAW IMPLEMENTED: 550.002, 550.0251, 550.054, 550.105, 550.155, 550.1815, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS.

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

DATE AND TIME: March 13, 2012, 1:00 p.m. – 5:00 p.m.
 PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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: Mary Polombo at (850)717-1098. If you are

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Miscellaneous Businesses and Professions – Asbestos Consultants/Asbestos Consultant Examination

RULE NO.: 61E1-2.006
 RULE TITLE: Asbestos Training Courses and Providers

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide specific rules for asbestos online refresher courses and to make necessary form and training course amendments.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is online asbestos refresher courses.

RULEMAKING AUTHORITY: 455.2035, 455.2123, 469.011 FS.

LAW IMPLEMENTED: 469.014 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Sheri Snyder, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1496. Sheri.Snyder@dbpr.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sheri Snyder, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: 64B9-8.006
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes this rule amendment to include the penalties and sentencing guidelines for health care fraud of Chapter 2011-224, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 456.072, 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 464.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH**Board of Speech-Language Pathology and Audiology**

RULE NO.: 64B20-7.002
 RULE TITLE: Probable Cause Determination

PURPOSE AND EFFECT: Board proposes the rule amendment to revise language to match statute.

SUBJECT AREA TO BE ADDRESSED: Revised Language.

RULEMAKING AUTHORITY: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Speech-Language Pathology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32314-3256

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

DEPARTMENT OF HEALTH**Council of Medical Physicists**

RULE NO.: 64B23-6.001
 RULE TITLE: Penalty Guidelines

PURPOSE AND EFFECT: To change guidelines to comport with letter from the Joint Administrative Procedures Committee of the Legislature and to add penalties for violations of paragraphs 456.072(1)(mm) and (nn), F.S.

SUBJECT AREA TO BE ADDRESSED: Penalty Guidelines

RULEMAKING AUTHORITY: 456.079(1), 483.901(6)(g) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.901(6)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Deterding, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH**Council of Licensed Midwifery**

RULE NO.: 64B24-8.002
 RULE TITLE: Disciplinary Action and Guidelines

PURPOSE AND EFFECT: To change guidelines to comport with letter from the Joint Administrative Procedures Committee of the Legislature and to add penalties for violations of paragraph 456.072(1)(nn), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Action and Guidelines.

RULEMAKING AUTHORITY: 456.004(5), 456.079, 467.005, 467.203(4) FS.

LAW IMPLEMENTED: 456.079, 467.20 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF FINANCIAL SERVICES

Indexing Agency Orders

RULE NO.: 69T-1.001
RULE TITLE: Organizational Structure
PURPOSE AND EFFECT: To set forth changes to the organizational structure of the Office of Financial Regulation to promote efficiency and accountability.
SUBJECT AREA TO BE ADDRESSED: Organizational Structure of the Office of Financial Regulation.
RULEMAKING AUTHORITY: 20.121(3)(b) FS.
LAW IMPLEMENTED: 20.121(3)(b) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bruce Kuhse, General Counsel, (850)410-9601, bruce.kuhse@flofr.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.001
RULE TITLE: Purpose
PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.
SUMMARY: This rule is being repealed as unnecessary. Rule 19-7.001 does not meet the definition of “rule” set forth under Section 120.52(16), Florida Statutes. It merely sets forth the overall purpose of Rule Chapter 19-7, F.A.C. There are no other rules incorporating this rule. There is no impact on any other rule.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:
 The Agency 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 the rule. A SERC has not been prepared by the agency.
 The rule repeal does not meet the statutory threshold for ratification by the legislature.

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: 218.405, 218.412 FS.
LAW IMPLEMENTED: Ch. 218, Part IV 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: March 5, 2012, 9:00 a.m. (ET) to conclusion of meeting
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308
 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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1197, tina.joanos@sbafla.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: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, tel: (850)413-1182; ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-7.001 Purpose.

Rulemaking Specific Authority 218.405, 218.412 FS. Law Implemented Ch. 218, Part IV FS. History--New 8-24-82, Formerly 19-7.01, Amended 3-26-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael McCauley
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2011

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002
RULE TITLE: Investment Policy Statements
PURPOSE AND EFFECT: The State Board of Administration seeks to amend the rule listed above to adopt the revised Investment Policy Statements for the Local Government