

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.038
 RULE TITLE: Individual Artist Fellowship Program

PURPOSE AND EFFECT: The purpose of this rule development is to amend Rule IT-1.038, F.A.C., to include updated scoring criteria, review and award criteria for the Individual Artist Fellowship Program.

SUBJECT AREA TO BE ADDRESSED: These rule amendments address the Individual Artist Fellowship Program.

RULEMAKING AUTHORITY: 265.608(1), 265.609(1), (4), 265.701(5) FS.

LAW IMPLEMENTED: 265.285, 265.601-.603, 265.605-.606, 265.701 FS.

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

DATE AND TIME: March 16, 2012, 10:00 a.m.

PLACE: R.A. Gray Building, Room 302, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Laura Blischke, (850)245-6475. 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: Morgan Lewis, Division of Cultural Affairs, (850)245-6470, or Morgan.Lewis@dos.myflorida.com

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

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.040
 RULE TITLE: Fast Track Grants

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the guidelines, application form and grant administration requirements for a new grant program, Fast Track Project Grants. The program will provide expedited access to funds supporting small organizations through arts and cultural projects including but not limited to artist residencies, performances or exhibitions. A small

organization for this program is defined as one with a last completed fiscal year's operating budget of \$250,000 or less. This program will be funded with a portion of the dollars received yearly from the National Endowment for the Arts.

SUBJECT AREA TO BE ADDRESSED: Guidelines, application forms and grant administration requirements for the Fast Track Project Grants Program.

RULEMAKING AUTHORITY: 265.284(3)(j), 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.284, 265.286, 286.011, 286.012 FS.

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

DATE AND TIME: Monday, March 26, 2012, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 302A, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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 72 hours before the workshop/meeting by contacting: Laura Blischke at (850)245-6470. 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: Sarah Stage, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-65.005
 RULE TITLE: Movement of Regulated Articles

PURPOSE AND EFFECT: The purpose of this rulemaking is to correct an oversight in the rule as previously adopted. Paragraph 5B-65.005(7)(b), F.A.C., provides an exemption from the certification provisions of the rule for wood products transported into Florida from contiguous states that are transported to a processing facility in Florida. The provision failed to include an exemption for transportation of wood products that occurs wholly within the state to a processing facility in Florida. There is no reason to exempt transport from other states but not intrastate transport.

SUBJECT AREA TO BE ADDRESSED: Exemption of intrastate transport of wood products that are transported to a processing facility within the state.

RULEMAKING AUTHORITY: 570.07(23), 581.031(1), (4), (5), (7) FS.

LAW IMPLEMENTED: 570.07(2), (13), 581.031(1), (4), (5), (6), (7), (9), (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: Dr. Wayne Dixon, Assistant Division Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P.O. Box 147100, Gainesville, FL 32614-7100

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0786	Model Forms for Charter School Applicants and Sponsors.

PURPOSE AND EFFECT: The purpose of this rule development is to amend Rule 6A-6.0786, F.A.C., and referenced forms to align with statutory changes enacted during the 2011 Legislative Session. Specifically, Section 1002.33, F.S., has been amended to allow for the creation of virtual charter schools.

SUBJECT AREA TO BE ADDRESSED: Creation of a Model Virtual Charter School Application, a Model Virtual Charter School Application Evaluation, and changes to the Model Charter School Application.

RULEMAKING AUTHORITY: 1002.33(27) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

DATES AND TIMES: March 28, 2012, 9:00 a.m. and March 29, 2012, 10:00 a.m.

PLACE: March 28th in Miami and March 29th in Orlando. (The physical locations will be posted on the Department's website no later than 14 days prior to the meeting at <http://www.fldoe.org>).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee,

Florida 32399-0400, or adam.miller@fldoe.org. To comment on this rule development go to <https://appl.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0786 Model Forms for Charter School Applicants and Sponsors.

(1) Persons or entities submitting a charter school application must use Form IEPC-M1, Model Florida Charter School Application, ~~October 2010~~, pursuant to Section 1002.33, F.S. Form IEPC-M1 is hereby incorporated by reference to become effective on October 25, 2010. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Sponsors shall evaluate Model Florida Charter School Applications using Form IEPC-M2, Florida Charter School Application Evaluation Instrument, ~~October 2010~~. Form IEPC-M2 is hereby incorporated by reference to become effective on October 25, 2010. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) Upon approval of a charter school application, the sponsor shall have sixty (60) days to propose an initial proposed charter contract to the charter school. The sponsor shall use Form IEPC-M3, Florida Model Charter Contract Format, October 2010, as the basis for the initial contract. Charter school contracts must address, at a minimum, the components included in Form IEPC-M3. Additional components may be included in a charter school contract if mutually agreed upon by both parties. Form IEPC-M3 is hereby incorporated by reference to become effective on October 25, 2010. Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(4) Persons or entities submitting a virtual charter school application must use form IEPC-V1, Model Florida Virtual Charter School Application, May 2012, pursuant to Section 1002.33, F.S. Form IEPC-V1 is hereby incorporated by reference to become effective on . Copies of the form may be obtained electronically on the Department's website at <http://www.floridaschoolchoice.org> or from the Office of

Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(5) Sponsors shall evaluate Model Florida Virtual Charter School Applications using Form IEPC-V2, Florida Virtual Charter School Application Evaluation Instrument, May 2012. Form IEPC-M2 is hereby incorporated by reference to become effective on _____ . Copies of the form may be obtained electronically on the Department’s website at <http://www.floridaschoolchoice.org> or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(6), 1002.33(21) FS. History–New 10-25-10, Amended _____.

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-65.0025	Scope, Definitions, and Exceptions
14-65.0035	Temporary Closing of State Roads for Special Events
14-65.006	Temporary Closing and Special Use of Interstate and Other Limited Access Facilities
14-65.0065	Filming on State Roads
14-65.0075	Special Events and Filming on Limited Access Facilities

PURPOSE AND EFFECT: The amendments to this rule are being made to re-organize the chapter and clarify the process for permitting the temporary closure of state roads.

SUBJECT AREA TO BE ADDRESSED: These amendments address the procedures local governments must follow in order to temporarily close state roads for special events. Filming on state roads is also addressed. A new rule is being promulgated to set forth criteria for filming and special events on limited access facilities.

RULEMAKING AUTHORITY: 334.044(10)(a), 334.048(3), 336.045(1) FS.

LAW IMPLEMENTED: 334.044(10)(a), 336.045 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, deanna.hurt@dot.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-65.0025 Scope, Exceptions, and Definitions, and Exceptions.

This rule Chapter 14-65, F.A.C., specifies procedures for obtaining a prior written approval from the Department permit for temporary closure of a state road from the Department when necessary to for the conduct of a special event, and the requirements for filming on a state road. The rule chapter outlines the requirements for special temporary use of limited access facilities, state roads other than limited access facilities; and for notice to the appropriate local law enforcement agencies of repair, reconstruction, or alteration which necessitates the closing of lanes for vehicular traffic.

(1) Exceptions. For purposes of this rule chapter, the following examples are uses of state roads for special events which do not require a prior written permit:

(a) A motoreade when no traffic lanes are closed and law enforcement personnel control traffic at each intersection;

(b) A run, walk a thon or bicycle event with a police escort and no detour of traffic; and

(c) A parade on a street which only intersects a state road where law enforcement personnel control the traffic at such intersections.

(1)(2) Definitions. The following words and phrases when used in this rule chapter, shall have the meaning ascribed in this rule:

(a) “Department” means the Florida Department of Transportation.

(a) “Charitable Purpose” has the meaning specified in Section 496.404(2), Florida Statutes.

(b) “Commercial Activities” means displaying merchandise include sale or display for sale or distribution, of merchandise; servicing, or repairing or storing of any any vehicle; for profit, or displaying; except rendering of emergency service; storage of vehicles being serviced or repaired on abutting property or elsewhere; solicitation for sale of goods, property, or services or for charitable purposes; and the display of advertising of any sort.

(c) “Emergency” is defined in Section 252.34, F.S., as any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(c)(d) “Limited Access Facility” means as is defined in Section 334.03(13) 316.003(19), F.S.

(d)(e) “Local Governmental Entity Authority” means as defined in Section 334.03(14), F.S. a municipality, county, or expressway or transportation authority serving one or more jurisdictions.

~~(e)(f)~~ “Special Event” means an art festival, parade, annual charity drive, fair, fund drive, race, run, motorcade, or similar activities of local interest.

~~(f)(g)~~ “Filming Special Use” means the activities involved in the creation of visual media, including film, broadcast, or video production ~~any activities other than those defined as special events and as detailed in Rule 14-65.0065, F.A.C.~~

~~(h)~~ “State Highway System” is ~~as defined in Section 334.03(25), F.S.~~

~~(g)(i)~~ “State Road” means ~~is~~ as defined in Section 334.03(27), F.S.

~~(h)(j)~~ “Temporary Closing” means the stopping ~~closing~~, detouring, or otherwise restricting traffic flow of one or more vehicle traffic lanes of a state road street or highway for a cumulative period of fifteen minutes or more.

~~(k)~~ “Written Permit” is ~~Form 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, requesting stated specific permission to close a stated specific section or part of a state road for a stated specific time period, signed by the District Secretary or designee and the applicant or applicant’s authorized representative.~~

(2) Exceptions:

For purposes of this rule chapter, special events and filming that do not require prior written approval include the following:

(a) A motorcade when no traffic lanes are closed and law enforcement personnel control traffic at each intersection;

(b) A run, walk-a-thon, or bicycle event accompanied by a police escort and when there is no detour of traffic;

(c) A parade route which only intersects a state road and when law enforcement personnel control the traffic at those intersections;

(d) Broadcast news, or other filming, that does not require a temporary closure, obeys traffic regulations, and does not impair vehicular or pedestrian traffic.

~~Rulemaking Specific Authority 334.044(2), 337.406(1) FS. Law Implemented 252.34, 316.003, 316.006(1), 316.008, 334.03, 337.406, 496.425 FS. History—New 1-19-89, Amended 4-15-92, 12-31-96, _____.~~

14-65.0035 Temporary Closing of State Roads for Special Events Other Than Limited Access Facilities.

~~(1) General Criteria Procedures for Temporary Closing of State Roads Other Than Limited Access Facilities. The temporary use and closing of state roads for the purpose of special events, not related to construction, reconstruction, maintenance or emergency purposes, may be accomplished as follows:~~

~~(a) A special event must ~~may~~ be approved in writing permitted by the appropriate local governmental entity before the temporary closure of a state road authority.~~

(b) Prior to the temporary closure of a state road for a special event, the local governmental entity responsible for approving authority which permits the closure special event must determine whether a temporary closing of the road is necessary for the event and obtain prior written approval from the Department, unless exempt ~~excepted~~ as defined in accordance with subsection 14-65.0025(2)(1), F.A.C.

~~(c) A Request for Temporary Closing/Special Use of State Road Permit, Form 850-040-65, Rev. 08/10 02/92, hereby incorporated by reference, available from any local area operations center/maintenance office, district maintenance office, or Department website: www.dot.state.fl.us/proceduraldocuments, shall be completed and submitted by the ~~responsible official~~ of the local governmental entity authority to the Department’s district or local maintenance office District Secretary, or designee, naming the sponsoring officials; stating that local law enforcement officials will manage all the details involved in administration of the event; and stating that as between the Department and the local governmental authority, to the extent permitted by Florida law, the local governmental authority will assume full responsibility for any liability claims arising from, or based on, the activities of the event.~~

(d) The local governmental entity authority shall include the following with the this request:

1. A certified copy of an excerpt from the minutes of a duly scheduled meeting, or duly executed resolution, of the local governmental entity authority authorizing the special event. The local governmental entity authority may, by resolution, designate an official a position within that body (Mayor, City Manager, etc.) authorization to ~~authorize and sign for the body;~~

2. A marked map, indicating the temporary detours to be utilized by the public; and showing the placement of appropriate signs; stationing of any officers or flagmen; and locations of barricades and cones necessary to detour the traffic in a safe and efficient manner;

~~3. A description of the provisions made for the temporary rerouting of traffic; and~~

3.4. Written aApproval from the United States Coast Guard if the proposed route of the special event involves District Commander authorizing the opening or closing of any movable bridge within the geographical limits of the event during the time period of the road closure.

~~(e) Prior to authorizing the temporary road closing, the Department shall review the proposed detour route to ensure that traffic volume will be handled and routed safely and efficiently.~~

~~(e)(f) Such~~ Closing of the state road shall not be for the purpose of conducting commercial activities use, except when conducted in conjunction with a special event and approved in writing by the local governmental entity ~~except that any portion of a state-maintained roadway may be used for special~~

events and special use as defined in subsections 14-65.0025(2)(f) and (2)(g), F.A.C., of this rule chapter, together with such commercial activities necessarily related to such events. Nothing in this rule chapter shall be construed to authorize such special events on the interstate highway system, toll roads, or other limited access facilities.

(f) ~~The Department's district or local maintenance engineer, or designee, will sign Form 850-040-65, Temporary Closing of State Road Permit, indicating approval or denial, and will return the form to the local governmental entity. Upon receipt, the local governmental entity shall notify the applicant whether the request has been approved.~~

~~(2) Procedures Subsequent to Approval of Request for Temporary Closing of State Roads Other Than Limited Access Facilities. The Department will return a copy of Form 850-040-65 indicating approval or disapproval to the submitting applicant.~~

~~(3) Form to Request Temporary Closing or Special Use of State Road. Copies of Form Number 850-040-65, Request for Temporary Closing/Special Use of State Road, 02/92, is hereby incorporated by reference and made a part of this rule chapter. Copies of this form may be obtained by contacting any Department District Maintenance Office.~~

~~Rulemaking Specific Authority 334.044(2), 337.406(1) FS. Law Implemented 316.003, 316.006(1), 316.008, 337.406 FS. History—New 1-19-89, Amended 4-15-92, 7-1-92, 12-31-96, _____.~~

14-65.006 Temporary Closing and Special Use of Interstate and Other Limited Access Facilities.

Temporary closures for special uses will not be allowed on interstate highways, toll roads, and other limited access facilities on the state highway system with the exception of the following situations:

(1) ~~Emergency Conditions. When emergency or extremely dangerous conditions are judged to exist, the Department will assume responsibility for determining whether closure of state roads is warranted.~~

(2) ~~Request for special use of interstate and other limited access facilities will be made to the Department. Special use is approved by the Department, in accordance with the provisions of Rule 14-65.0065, F.A.C.~~

(3) ~~Use of facilities on interstate highways, toll roads, or other limited access facilities for solicitation is otherwise prohibited except under the provisions of Rule Chapter 14-28, Florida Administrative Code.~~

~~Rulemaking Authority 334.044(2), 334.044(10)(a), 335.10(2) FS. Law Implemented 337.406(1) FS. History—New 1-19-89, Amended 4-15-92, Repealed _____.~~

14-65.0065 Filming on Procedures for Special Use of State Roads Including Limited Access Facilities.

The temporary use of state roads for special use activities, not related to construction, reconstruction, maintenance, emergency purposes, or special events, may be accomplished in accordance with this rule chapter. The following information must be supplied to the Department when requesting a permit for filming:

(1) General Criteria:

(a) Individuals wishing to conduct filming activities on state roads shall complete and submit a Permit For Filming On A State Road, Form 850-040-67, Rev. 08/10, hereby incorporated by reference, to the Department's district or local maintenance office for review. This form is available from any local area operations center/maintenance office, district maintenance office or Department website: www.dot.state.fl.us/proceduraldocuments.

(b) The following information must be included with the permit application.

1.(1) A copy of pertinent portions of the script with a concise but detailed written description of the action to occur on the state right of way.

2.(2) A detailed map showing the proposed filming location, clearly defining the area that will be occupied during filming and an estimate of the number of event personnel.

3.(3) The total number of film crew personnel and the amount of equipment with equipment description. No stunts, staged accidents, explosives, or pyrotechnics that may cause damage to state property shall be allowed without prior approval of the Department. Use of pyrotechnics requires approval from the District Secretary, or where applicable, the Executive Director of the Florida Turnpike Enterprise and a separate approval from the local fire department having jurisdiction over the filming site. Both must be attached to the special use permit. Additionally, a licensed "Pyrotechnic Operator—Special Effects" shall be on location and in charge of all use, storage, and handling of special effects items.

4.(4) The permittee shall provide the Department with proof of liability insurance in the amount of \$1,000,000 for routine filming. If the filming request involves specialized stunts, pyrotechnics, special effects, the use of some form of air transportation over the state road highway right of way, or stunts of any kind under or adjacent to a structure (bridge) then a minimum of \$5,000,000 of liability insurance is required. The insurance shall name the Department as an additional insured.

5.(5) A maintenance of traffic (MOT) plan if the filming will impact traffic or cause lane closures. The MOT maintenance of traffic on Department rights of way shall conform to the Federal Manual on Uniform Traffic Control Devices (MUTCD), incorporated by reference in Rule 14-15.010, F.A.C.; and the Department's 2010 current Roadway and Traffic Design Standards; index series 600.

~~incorporated by reference in Rule 14-46.001, F.A.C. and the current Standard Specifications for Road and Bridge Construction. The Department shall regulate, limit, or restrict hours of filming to minimize disruption of traffic on the state highway system. When filming causes undue disruption of traffic, or creates safety hazards on a state highway, the Department shall require immediate corrective action within a specified time frame, or cause filming to cease if deemed necessary. The Department shall require the submittal of a maintenance of traffic plan with the request for permit to ensure compliance with this provision. The Department may require the presence of an off-duty law enforcement officer in areas of congestion, critical traffic flow, or situations that may cause hazardous conditions.~~

6. Written approval from the local fire department if pyrotechnics are involved.

7. Written approval from the U.S. Coast Guard if any movable bridges are affected.

8. Written approval from the Federal Aviation Administration if low flying aircraft are involved.

(2) Stunts, staged accidents, explosives, or pyrotechnics that may cause damage to state property shall not be approved. If pyrotechnics are involved, an experienced pyrotechnic operator shall be on location and in charge of all use, storage, and handling of any pyrotechnic devices. The permittee will be responsible for securing any pyrotechnic permit required by the local governmental entity and providing a copy to the Department.

~~(3)(6) Filming of activities on a state road right rights of way from low flying aircraft must comply be in compliance with Federal Aviation Administration regulations, and shall will not be approved permitted if the public safety or welfare is jeopardized. Any activities involving aircraft shall require written notification of overhead utility companies.~~

(4) Filming activities that may negatively affect any utility shall not be approved without prior written permission from the utility.

~~Rulemaking Specific Authority 334.044(2), 335.10(2), 337.406(1) FS. Law Implemented 316.003, 316.006(1), 316.008, 334.044(28) 337.406(1), 496.425 FS. History—New 4-15-92, Amended _____.~~

14-65.0075 Special Events and Filming on Limited Access Facilities.

(1) General Criteria:

The use of limited access facilities for special events and filming will be considered based upon the following criteria:

(a) The use shall not interfere with the safe and efficient movement of traffic.

(b) The use shall not endanger the safety of the public.

(c) Written approval is obtained from the local governmental entity.

(d) Proof of liability insurance in the amount of \$1,000,000 is submitted to the Department. The Department shall be named as an additional insured.

(2) The use shall be for a limited duration. Approval for the length of the duration shall be obtained from the Department.

(3) Special events shall also comply with the criteria of Rule 14-65.0035, F.A.C.

(4) Filming shall also comply with the criteria of Rule 14-65.0065, F.A.C.

(5) Special events and filming shall be subject to the safety conditions set forth in the permit.

Rulemaking Authority 334.044(2), 334.044(10)(a), 335.10(2) FS. Law Implemented 337.406(1) FS. History—New _____.

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-6.050	Location of Meters
25-6.100	Customer Billings

PURPOSE AND EFFECT: To amend Rule 25-6.050, F.A.C., to clarify the existing practice of requiring the customer to pay for locating a meter somewhere other than where determined most cost effective by the utility. To amend Rule 25-6.100, F.A.C., by eliminating the reference to local offices, since most electric utilities no longer maintain them, and specifying other means to obtain information previously supplied through local offices

SUBJECT AREA TO BE ADDRESSED: Electric utility regulation.

RULEMAKING AUTHORITY: 366.05(1), 366.04(2) FS.

LAW IMPLEMENTED: 366.05(1), 366.04(2), 366.03, 366.041(1), 366.051, 366.06(1) 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: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-7.0851	Backbilling
25-7.0852	Unauthorized Use of Gas

PURPOSE AND EFFECT: To amend Rule 25-7.0851, F.A.C., to address overbilling as well as underbilling due to company error, and a process for refunds is provided. To adopt Rule 25-7.0852, F.A.C., to address billing for unauthorized use of gas.

SUBJECT AREA TO BE ADDRESSED: Gas utility regulation.

RULEMAKING AUTHORITY: 367.121 FS.

LAW IMPLEMENTED: 367.121 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: Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.205 RULE TITLE: Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to permit inmates to make collect telephone calls to pre-approved, personal cell phones.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in paragraph (3)(a) and subsection (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers. Inmates shall not be allowed to include business telephone numbers on the list. Collect calls to personal cell phone numbers will be allowed as follows:

1. The cell phone must be contracted through a wireless telecommunications company licensed by the Federal Communications Commission;

2. No calls to pre-paid or pay-as-you-go cell phones will be allowed;

3. No calls to business cell phone numbers will be allowed;

4. The inmate will be responsible for advising family/friends that they must contact the contractor for the inmate telephone system to establish a payment account for calls made to the cell phone number;

5. Billing information for the cell phone owner must be a physical address. The Department reserves the right to require that a copy of the cell phone contract be provided to the inmate telephone system contractor to verify ownership, physical address for billing information, and (i)-(iii) above.

(b) through (l) No change.

(m) The Department shall have the ability to immediately temporarily deactivate any inmate's telephone account established under (2)(a), upon approval of the Warden/Duty Warden, for any of the following reasons:

1. 48-hours prior to any transfer;

2. 48-hours prior to any outside medical appointment;

3. 48-hours prior to any outside court appointment.

(3) through (16) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, 1-7-07, 9-24-07, 3-23-08,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: 58A-1.010 RULE TITLE: Program Forms

PURPOSE AND EFFECT: The purpose of this rule development is to continue efforts to amend the 701B, Department of Elder Affairs Assessment Instrument, dated September 2008, to address the efficiency and accuracy of the assessment.

SUBJECT AREA TO BE ADDRESSED: Amendments to the form will address the manner and methodology of evaluating an older person as qualified for services coordinated through the Department of Elder Affairs.

RULEMAKING AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 430.04(1), 430.101 FS.

INTERESTED PARTIES MAY COMMENT ON THE 701B FORM AND MAKE SUGGESTIONS BY TAKING OUR ONLINE SURVEY AT: <http://www.surveymonkey.com/s/701BComments>. HOWEVER, 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: Jessica Tice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2453, Email address: TiceJ@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE OR YOU MAY VIEW THE PROPOSED 701B FORM AT: http://elderaffairs.state.fl.us/doea/701b_draft.php.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-30.101	Definitions
61-30.102	License Requirements
61-30.103	Examination
61-30.201	Fees
61-30.301	Delinquent License
61-30.302	Inactive, Active Status
61-30.401	License Renewal
61-30.402	Continuing Education Requirements for Biennial Renewal
61-30.403	Discretionary Hardship Reinstatement of Null or Void Licenses
61-30.501	Provider Approval, Prelicensure and Continuing Education
61-30.502	Provider Requirements, Prelicensure and Continuing Education
61-30.503	Course Approval, Prelicensure and Continuing Education
61-30.602	Disciplinary Guidelines
61-30.603	Notice of Noncompliance
61-30.604	Citations
61-30.605	Mediation
61-30.801	Standards of Practice, General
61-30.802	Standards of Practice, Structure

61-30.803	Standards of Practice, Electrical Systems
61-30.804	Standards of Practice, HVAC Systems
61-30.805	Standards of Practice, Roof Covering
61-30.806	Standards of Practice, Plumbing Systems
61-30.807	Standards of Practice, Interior Components
61-30.808	Standards of Practice, Fireplaces and Solid Fuel Burning Appliances
61-30.809	Standards of Practice, Household Appliances
61-30.810	Standards of Practice, Exterior Components
61-30.811	Standards of Practice, Site Conditions that Affect the Structure
61-30.812	Standards of Practice, General Limitations and Exclusions

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to implement the new regulations for Home Inspectors, enacted in Chapter 468, Part XV, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Licensing and regulation of home inspectors in Florida under Section 468.83, F.S.

RULEMAKING AUTHORITY: 455.02(2), 455.213(6), 455.217(1)(d), 455.219(1), (2), 455.224(2), 455.225(3), 455.227(3), 455.235(1), 455.271(2), (3), (6)(b), (7), (8), 455.2123, 455.2124(2), 455.2177(1)(d), 455.2178(5), 455.2179(1), (3), 455.2273, 468.832, 468.8312(1), 468.8313(4), (6), 468.8314, 468.8315(2), 468.8316(1), (2), 468.8317(2), (3), 468.8319, 468.832, 468.8325 FS.

LAW IMPLEMENTED: 455.02, 455.212, 455.213, 455.217, 455.219, 455.224, 455.225, 455.227, 455.235, 455.271, 455.2124, 455.2177, 455.2178, 455.2179, 455.2273, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8319, 468.832, 468.8325 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: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-1395

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.017
 RULE TITLE: Landscape Architecture Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Landscape Architecture application forms.

RULEMAKING AUTHORITY: 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 481.309, 481.310, 481.311, 481.313, 481.317, 481.319 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, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (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, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (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 BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.026
 RULE TITLE: Florida Real Estate Appraisal Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt new application forms.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is Florida Real Estate Appraisal forms.

RULEMAKING AUTHORITY: 455.213 FS.

LAW IMPLEMENTED: 455.213, 475.6235 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, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (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, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (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 BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-5.001
 RULE TITLE: Requirements for Conducting an Auction

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Requirements for Conducting an Auction.

RULEMAKING AUTHORITY: 468.384(2) FS.

LAW IMPLEMENTED: 468.388, 468.389 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 Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-780.100	Referenced Guidelines
62-780.110	Purpose, Intent, and General Principles
62-780.150	Applicability
62-780.200	Acronyms and Definitions
62-780.220	Notices
62-780.300	Quality Assurance Requirements
62-780.400	Professional Certifications
62-780.450	Combined Document
62-780.500	Emergency Response Action or Interim Source Removal
62-780.550	De Minimis Discharges
62-780.600	Site Assessment
62-780.610	Fate and Transport Model and Statistical Method Requirements
62-780.650	Risk Assessment
62-780.680	No Further Action and No Further Action with Controls
62-780.690	Natural Attenuation with Monitoring
62-780.700	Active Remediation
62-780.750	Post Active Remediation Monitoring
62-780.790	Time Schedules
62-780.900	Forms

PURPOSE AND EFFECT: To discuss proposed changes to all sections of Chapter 62-780, F.A.C., Contaminated Site Cleanup Criteria, as a result of merging Chapters 62-770 (Petroleum Contamination Site Cleanup Criteria), 62-782 (Drycleaning Solvent Cleanup Criteria), and 62-785 (Brownfields Cleanup Criteria) into the existing Chapter 62-780, F.A.C. The purpose is to achieve rule consolidation and consistency across programs, where possible, based on governing statutes. Concurrently, the Department will propose to repeal Chapters 62-770, 62-782 and 62-785, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Consolidation of the four current Risk-Based Corrective Action (RBCA) rule chapters into a single rule chapter that addresses the criteria and process for conducting site rehabilitation at all types of contaminated sites in Florida. The discussion will be focused on proposed procedural changes to effectuate the merging of the four RBCA rules leading to a DEP Secretarial Rule Adoption Hearing.

RULEMAKING AUTHORITY: 376.30701, 376.30702, 403.7255, 403.0877, 376.303, 376.3071, 376.3078(4), 376.3078(9), 376.81, 403.061 FS.

LAW IMPLEMENTED: 376.30701, 376.30702, 403.7255, 403.0877, 376.3071, 376.3078(4), 376.3078(9), 376.80, 376.81, 376.305, 376.30711 FS.

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

DATE AND TIME: Wednesday, March 28, 2012, 9:00 a.m. – 5:00 p.m.

PLACE: In person: Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, FL, Via Webinar: <https://www2.gotomeeting.com/register/588534306> Registration for the Webinar is limited to 125 participants, so please consider sharing access with other participants, if possible.

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: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brian Dougherty at (850)245-7503 or brian.dougherty@dep.state.fl.us or an electronic copy of the preliminary draft of the rule can be found at <http://www.dep.state.fl.us/waste/default.htm> under the heading “Rulemaking Underway”. **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-8.001	Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a violation of Section 458.331(1)(ss), F.S.

SUBJECT AREA TO BE ADDRESSED: The disciplinary guidelines for violation of Section 458.331(1)(ss), F.S.

RULEMAKING AUTHORITY: 456.079, 458.309, 458.331(5) FS.

LAW IMPLEMENTED: 456.50(2), 456.0575, 456.072, 456.079, 458.331(5) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NOS.: RULE TITLES:

64B8-8.015 Mediation

64B8-8.017 Citation Authority

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address additional violations which can be handled through mediation or through the citation process.

SUBJECT AREA TO BE ADDRESSED: Mediation and citations.

RULEMAKING AUTHORITY: 456.077(6), 456.078(6) FS.

LAW IMPLEMENTED: 456.077, 456.078 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-9.009 Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth conditions under which physicians do not need to keep dantrolene in office surgery facilities.

SUBJECT AREA TO BE ADDRESSED: The clarification of conditions under which dantrolene is not necessary in office surgery settings.

RULEMAKING AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.351 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-9.0092 Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete an entity which had been approved until July of 2011 as an accrediting organization.

SUBJECT AREA TO BE ADDRESSED: Deletion of the Institute of Medical Quality as an accrediting organization.

RULEMAKING AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) 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: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-9.0131 Training Requirements for Physicians Practicing in Pain Management Clinics

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify one of the training requirement options with regard to physicians who practice in pain management clinics.

SUBJECT AREA TO BE ADDRESSED: Clarification of one of the training requirement options for physicians who practice in pain management clinics.

RULEMAKING AUTHORITY: 458.3265(4)(d) FS.

LAW IMPLEMENTED: 458.3265(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.0131 Training Requirements for Physicians Practicing in Pain Management Clinics.

Effective July 1, 2012, physicians who have not met the qualifications set forth in subsections (1) through (6), below, shall have successfully completed a pain medicine fellowship that is accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a pain medicine residency that is accredited by ACGME. Prior to July 1, 2012, physicians prescribing or dispensing controlled substance medications in pain-management clinics registered pursuant to Section 458.3265, F.S., must meet one of the following qualifications:

- (1) through (5) No change.
- (6) Three (3) years of documented full-time practice, which is defined as an average of 20 hours per week each year, in pain-management and ~~within six months of the effective date of this rule~~, attendance and successful completion of 40 hours of in-person, live-participatory AMA Category I CME courses in pain management that address all the following subject areas:

- (a) through (l) No change.
- (7) No change.

Rulemaking Authority 458.3265(4)(d) FS. Law Implemented 458.3265(4)(d) FS. History--New 5-17-11, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.: RULE TITLES:
 68A-9.005 Falconry
 68A-9.006 Wildlife Rehabilitation Permit

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions associated with falconry and wildlife rehabilitation. This effort is necessary to incorporate federal changes to regulations governing falconry.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include falconry and wildlife rehabilitation.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Inv. Jason Marlow, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

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

FINANCIAL SERVICES COMMISSION

Finance

RULE NO.: RULE TITLE:
 69V-560.1012 Adoption of Forms

PURPOSE AND EFFECT: Paragraph 69V-560.1012(1)(a), F.A.C., is being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice will be reducing its fee from \$19.25 to \$16.50. Therefore, Form OFR-560-01, which references the applicable fees, is being amended to reduce the fingerprint processing fees from \$43.25 to \$40.50.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses – Fingerprint Processing Fees.

RULEMAKING AUTHORITY: 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS.

LAW IMPLEMENTED: 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Greg Oaks, Interim Director, Division of Finance, greg.oaks@flofr.com; (850)410-9601

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.1012 Adoption of Forms.

- (1) The following forms are incorporated by reference and readopted by this rule for the purposes of Rules 69V-560.102-.913, F.A.C.:

(a) Application for Licensure as a Money Services Business, Form OFR-560-01, effective 10-18-09, amended _____, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01013>.

(b) Location Notification Form, Form OFR-560-02, effective 1-13-09.

(c) Declaration of Intent to Engage in Deferred Presentment Transactions, Form OFR-560-03, effective 1-13-09.

(d) Money Services Business Quarterly Report Form, Form OFR-560-04, effective 1-13-09.

(e) Pledge Agreement, Form OFR-560-05, effective 1-13-09.

(f) Money Services Business Surety Bond Form, Form OFR-560-06, effective 1-13-09.

(g) Security Device Calculation Form, Form OFR-560-07, effective 10-18-09.

(h) Request for Exemption from Electronic Filing Requirements, Form OFR-560-08, effective 3/16/2011, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00145>.

(i) Florida Fingerprint Card (FL922720Z), effective 1-13-09.

(j) Currency Transaction Report, FinCEN Form 104, effective 1-13-09.

(k) Suspicious Activity Report by Money Services Business, FinCEN Form 109, effective 1-13-09.

(l) Report of International Transportation of Currency or Monetary Instruments, FinCEN Form 105, effective 1-13-09.

(2) All forms adopted by this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Rulemaking Authority 560.105, 560.118, 560.141, 560.2085, 560.209, 560.403 FS. Law Implemented 560.118, 560.140, 560.141, 560.205, 560.2085, 560.209, 560.403, 943.053 FS. History—New 1-13-09, Amended 10-18-09, 3-16-11, _____.

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-600.002	Application for Registration as Associated Person
69W-600.006	Fingerprint Requirements

PURPOSE AND EFFECT: Rules 69W-600.002 and 69W-600.006, F.A.C., are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50. The current fee of \$43.25 represents \$24 charged by the Florida Department of Law Enforcement for a state criminal history check and \$19.25 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice is reducing its fee from \$19.25 to \$16.50. Therefore, the rules are being amended to reduce fingerprint processing fees from \$43.25 to \$40.50.

SUBJECT AREA TO BE ADDRESSED: Securities Regulation – Fingerprint Processing Fees.

RULEMAKING AUTHORITY: 215.405, 517.03, 517.12(6) FS.

LAW IMPLEMENTED: 517.12(6), (7), (10), 517.1205, 943.053 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rob Vandiver, Chief Counsel, 410-9707, robert.vandiver@flofr.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69W-600.002 Application for Registration as Associated Person.

(1)(a) No change.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. through 4. No change.

5. A complete Florida Fingerprint Card (FL921250Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable ~~\$43.25~~ \$40.50 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) No change.

(2) No change.

Rulemaking Authority 215.405, 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205, 943.053 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, 5-15-07, 12-24-07, 12-25-08, 11-22-10, _____.

69W-600.006 Fingerprint Requirements.

(1) Fingerprints filed in accordance with Section 517.12(7), F.S., shall be on fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable ~~\$43.25~~ \$40.50 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

(3) Notwithstanding any exemptions found in SEC rule 17f-2 (17 C.F.R. § 240.17f-2 (2010)), any direct owner, principal, or indirect owner that is required to be reported on Form BD, Uniform Application for Broker-Dealer Registration, or Form ADV, Uniform Application for Investment Adviser Registration, pursuant to Section 517.12(7), F.S., who is not currently registered in Florida with the firm they are seeking to join or act as a direct owner, principal, or indirect owner shall submit to the Office fingerprint cards supplied by the Office of Financial Regulation taken by an authorized law enforcement agency, and accompanied by a non-refundable ~~\$40.50~~ ~~\$43.25~~ processing fee. Such fingerprint card and fee shall be filed directly with the Office until such time as FINRA has the capability to electronically display the fingerprint card results to Florida via the CRD system. Form FL921250Z (Florida Fingerprint Card), Form BD, and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) No change.

Rulemaking Authority 215.405, 517.03 FS. Law Implemented 517.12(7), 943.053 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended 5-15-07, 12-24-07, 12-25-08, 11-22-10, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-2.036	Restrictions on the Use of Methyl Bromide as a Soil Fumigant; Application Equipment Requirements

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to repeal Rule 5E-2.036, F.A.C., relating to restrictions on the use of methyl bromide as a soil fumigant. Measures implemented by the United States Environmental Protection Agency (EPA) in 2010 and 2011 establish new label requirements for use that are equivalent to or more restrictive than the restrictions imposed by this rule.

SUMMARY: This rule is being repealed because it is no longer necessary in light of label requirements implemented by the EPA in 2010 and 2011 which are equivalent to or more restrictive for use of methyl bromide than the restrictions imposed by this 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 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 rule is being repealed to remove a layer of duplicitous regulation because label restrictions implemented by the EPA in 2010 and 2011 are equivalent to or more restrictive for the use of methyl bromide than the restrictions imposed by this rule. Based on the Department’s experiences with repeals of superseded and unnecessary rules, the adverse impact or regulatory costs, if any, caused by the repeal of Rule 5E-2.036, F.A.C., do not exceed nor would exceed any one of the economic analysis criteria in a Statement of Economic Regulatory Costs (SERC) as set forth in Section 120.541(2)(a), Florida Statutes.

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: 487.042, 487.051(1)(b), 487.051(2), 570.07(23) FS.

LAW IMPLEMENTED: 487.042, 487.051(1)(b), 487.051(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Bruce Nicely, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)617-7850

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-2.036 Restrictions on the Use of Methyl Bromide as a Soil Fumigant; Application Equipment Requirements.

Rulemaking Specific Authority 487.042, 487.051(1)(b), 487.051(2), 570.07(23) FS. Law Implemented 487.042, 487.051(1)(b), 487.051(2) FS. History—New 1-31-91, Amended 7-18-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson H, Rackley, Director of Agricultural Environmental Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Adam H. Putnam, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 26, 2012