

69H-3.006 Eligibility for Commercial Insurance.

Rulemaking Specific Authority 265.53(2) FS. Law Implemented 265.53(2)(c) FS. History–New 8-11-83, Formerly 4-55.06, 4-55.006, 4H-3.006, Repealed.

69H-3.007 Environmental Control.

Rulemaking Specific Authority 265.53(2) FS. Law Implemented 265.53(2)(d) FS. History–New 8-11-83, Formerly 4-55.07, 4-55.007, 4H-3.007, Repealed.

69H-3.008 Loss Adjustment.

Rulemaking Specific Authority 265.55(1) FS. Law Implemented 265.54(3), 265.55(1) FS. History–New 8-11-83, Formerly 4-55.08, 4-55.008, 4H-3.008, Repealed.

69H-3.009 Arbitration and Appraisal.

Rulemaking Specific Authority 265.55(1) FS. Law Implemented 265.55(1) FS. History–New 8-11-83, Formerly 4-55.09, 4-55.009, 4H-3.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Rozes, Senior Management Analyst II, Division of Risk Management, 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: August 9, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0573 Industry Certification Process

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 33, August 19, 2011 issue of the Florida Administrative Weekly.

Paragraph (6) is amended to read:

(6) The final “Industry Certification Funding List” for the school year shall be published no later than the July 15, preceding the beginning of the school year. The list shall include a weight for use in the additional full-time equivalent membership calculation pursuant to Section 1011.62(1), F.S., as defined in subsection (5) of this rule.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-7.0710 Instructional Materials Policies and Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 20, May 20, 2011 issue of the Florida Administrative Weekly has been withdrawn.

COMMISSION ON ETHICS

<p>RULE NOS.:</p> <p>34-8.002</p> <p>34-8.007</p> <p>34-8.008</p> <p>34-8.009</p> <p>34-8.202</p> <p>34-8.208</p> <p>34-8.209</p>	<p>RULE TITLES:</p> <p>General Rule for Filing Full and Public Disclosure of Financial Interests</p> <p>Choosing to File Copy of Income Tax Return</p> <p>Final Filing</p> <p>Amended Filing</p> <p>General Rules for Filing a Statement of Financial Interests</p> <p>Final Filing</p> <p>Amended Filing</p>
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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. 32, August 12, 2011 issue of the Florida Administrative Weekly.

To comply with the requirements of Chapter 2011-225, Laws of Florida, the Summary of Statement of Estimated Regulatory Costs is amended to include a description of information expressly relied upon in determining that the proposed rules and forms are not expected to require legislative ratification. The amended statement reads as follows:

The Commission has determined that these proposed rules and forms 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 implementation of the proposed rules and forms. A SERC has not been prepared by the Commission. Based on the fact that the proposed rules and forms adopted by reference therein only affect those public officers and employees who are required to file financial disclosure, the proposed rules and forms will not have any impact on small businesses or the private sector and is not expected to require legislative ratification.

Any person who wishes to provide information regarding the 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:
59A-7.034 Alternate-Site Testing

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. 25, June 24, 2011 issue of the Florida Administrative Weekly.

59A-7.034 Alternate-Site Testing.

(1) through (6) No change.

(7)(a)1. through 3. No change.

4. Is a phlebotomist certified by the American Society of Clinical Pathologists (ASCP), National Certification Agency for Medical Laboratory Personnel (NCA), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT).

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5.4. Is licensed as a physician assistant pursuant to Chapter 458 and 459, F.S.,

~~6.5. Is a perfusionist certified by the American Board of Cardiovascular Perfusion, determined eligible for certification by the American Board of Cardiovascular Perfusion, or has two years of clinical experience in cardiovascular perfusion with 100 clinical perfusions conducted as of January 1, 1981.~~

~~7.6. Is a cardiovascular technician certified by the Cardiovascular Credentialing International (CCI),~~

~~8.7. Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part III, F.S., or exempt from such licensure as provided in that chapter,~~

~~9.8. Is a licensed Emergency Medical Technician (EMT) or Paramedic pursuant to Chapter 401, F.S., or~~

~~10.9. Meets the staff training and education requirements set out in the alternate-site policy and procedure manual developed by the laboratory director for individuals performing tests categorized as waived. Individuals, such as phlebotomists, who meet such staff training and education requirements for performing tests categorized as waived, but who do not meet the requirements for performing moderate complexity tests as provided under this rule, are restricted to performing tests categorized as waived.~~

(b) through (c) No change.

(8) through (10) No change

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-9.0131 Standards of Practice for Physicians Practicing in Pain Management Clinics

NOTICE OF RULE WITHDRAWAL

Notice is hereby given that the above rule entitled "Standards of Practice for Physicians Practicing in Pain Management Clinics," as filed for adoption on November 8, 2010, has been withdrawn. The rule was not ratified by the Legislature during the 2011 legislative session and pursuant to subsection 120.54(3)(d)3.c., Florida Statutes, the rule is withdrawn.

The rule which is currently numbered as Rule 64B8-9.0131, and entitled "Training Requirements for Physicians Practicing in Pain Management Clinics" is not affected by this withdrawal and the rule as adopted on April 27, 2011, and effective May 17, 2011, remains in effect.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-9.0134 Maximum Number of Prescriptions in Registered Pain Management Clinics

NOTICE OF RULE WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 37, No. 7, of the February 18, 2011, issue of the Florida Administrative Weekly has been withdrawn. The rule was filed for adoption on March 25, 2011, but was not ratified by the Legislature during the 2011 legislative session. Pursuant to subsection 120.54(3)(d)3.c., Florida Statutes, the rule is withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-14.0054 Maximum Number of Prescriptions in Registered Pain Management Clinics

NOTICE OF RULE WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 37, No. 7, of the February 18, 2011, issue of the Florida Administrative Weekly has been withdrawn. The rule was filed for adoption on March 25, 2011, but was not ratified by the Legislature during the 2011 legislative session. Pursuant to subsection 120.54(3)(d)3.c., Florida Statutes, the rule is withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-16.006 RULE TITLE: Registration Requirements of Podiatric Residents

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-24.001 RULE TITLE: Initial Certification for Podiatric X-Ray Assistants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs hereby gives notice that on August 9, 2011, the Department has issued an order. Granting a Petition for Waiver.

NAME OF PETITIONER: City of Marianna
DATE PETITION WAS FILED: July 22, 2011
RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 9B-43.0031(29), F.A.C., provides the definition of time.

Paragraph 9B-43.0041(2)(b), F.A.C., prohibiting local government with an open subgrant from filing another application.

Paragraph 9B-43.0041(2)(d), F.A.C., states that eligible local governments with an open Economic Development subgrant shoe activities and expenditures are on schedule and on time as of the opening of the funding cycle can apply for CDBG subgrant.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., August 19, 2011, Vol. 37, No. 33.

THE DATE THE DEPARTMENT OF COMMUNITY AFFAIRS APPROVED THE VARIANCE OR WAIVER: August 9, 2011

THE GENERAL BASIS FOR THE DECISION: The wavier is based upon the substantial hardship and principles of fairness demonstrated by the fact that both the City of Marianna and its job generator performed in accordance with the terms of the CDBG agreement, only falling slightly short of maximum new jobs due to the faltering economy.

A copy of the Order or additional information may be obtained by contacting: Paula P. Ford, Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, e-mail: paula.ford@dca.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The Department of Transportation hereby gives notice that on August 15, 2011, the Department of Transportation entered an Order Denying Petition for Emergency Waiver. On July 11, 2011, William Najmark filed a petition asking for emergency waiver from the provisions of Rule 14-96.016, F.A.C., requiring the owner or authorized agent to maintain their portion of a driveway connection. Notice of the Petition for Emergency Waiver requesting the Department to repair a portion of its right of way adjacent to his property and control any flooding onto his property was published in the July 22, 2011, edition of the Florida Administrative Weekly. Petitioner’s request for an emergency waiver is denied. Petitioner’s request neither provided facts constituting an emergency, nor facts verifying that he was a person subject to regulation. Moreover, Petitioner failed to demonstrate that the purpose of the underlying statute will be or has been achieved and that application of the rule would create a substantial hardship or that principles of fairness would be violated.

A copy of the Order or additional information may be obtained by contacting: Deanna R. Hurt, Assistance 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.

WATER MANAGEMENT DISTRICTS

The South Florida Water Management District (District) hereby gives notice on August 12, 2011, the District Governing Board issued SFWMD Order No. 2011-118-DAO-ROW to Miami-Dade County Park and Recreation Department (Application No. 09-0311-5). The petition for waiver was received by the District on July 19, 2011. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 37, No. 30, on July 29, 2011. No public comment was received. This Order provides a waiver of the District’s criteria to allow for proposed signage and access control features within the south right of way of the C-9 Canal from the Florida Turnpike easterly to N.E. Miami Gardens