

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.039 Supplemental Educational Services
 in Title I Schools

PURPOSE AND EFFECT: The purpose of the rule development is to amend Form SES 100, Request for Applications for Supplemental Educational Services Providers, for the 2012-2013 school year and to revise the provider approval processes.

SUBJECT AREA TO BE ADDRESSED: Supplemental educational services in Title I schools.

RULEMAKING AUTHORITY: 1008.331(6) FS.

LAW IMPLEMENTED: 1008.331 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: Melvin Herring, Program Director, Bureau of Federal Educational Programs, 325 West Gaines Street, Room 348, Tallahassee, FL 32399, (850)245-0684. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-5.0411 Calculations of Student Learning
 Growth Using Statewide
 Assessment Data for Use in School
 Personnel Evaluations

PURPOSE AND EFFECT: The purpose of this rule development is to fulfill requirements under Section 1012.34, Florida Statutes, to adopt the student growth formula(s) for use with statewide assessment data and to set standards for student growth performance that must be met for personnel to earn specified performance ratings on annual evaluations. It is anticipated that this rule will be revised annually as new formulas and performance standards are adopted for statewide

assessments, including but not limited to, the Florida Comprehensive Achievement Test (FCAT), End-of-Course Examinations, and the Florida Alternate Assessment.

SUBJECT AREA: Calculations of student learning growth using statewide assessment data for use in school personnel evaluations.

RULEMAKING AUTHORITY: 1012.34 FS.

LAW IMPLEMENTED: 1012.34 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE NOTICED IN A SUBSEQUENT FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn S. Hebda, Deputy Chancellor for Educator Quality, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0509 or kathy.hebda@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS: not available at this time, however, it will be made available conceptually upon the publication of the rule development workshop dates which will be published in a future edition of the Florida Administrative Weekly.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.03022 Special Programs for Students who
 are Dual-Sensory Impaired

PURPOSE AND EFFECT: The purpose of this rule development is to update rule language to reflect current knowledge in the field. The effect will be a rule consistent with federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities for students who are identified as dual-sensory impaired (definitions, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program).

RULEMAKING AUTHORITY: 1003.01, 1003.57, 1003.571 FS.

LAW IMPLEMENTED: 1003.01, 1003.57, 1003.571 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: October 3, 2011, 10:00 a.m. – 4:00 p.m.; October 4, 2011, 8:00 a.m. – 12:00 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Conference Room 1721/25, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 West Gaines Street, Suite 614, Tallahassee,

Florida 32399, (850)245-0475. To submit a comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-4.001 RULE TITLE: Application

PURPOSE AND EFFECT: To update the form for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application, the Florida Prepaid College Plan Add-a-Plan Application, and the Master Covenant.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application form, Florida Prepaid College Plan Add-a-Plan application form and Florida Prepaid College Plan Master Covenant.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 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: September 30, 2011, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request for same to Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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 IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2012-01~~ ~~2011-01~~, is hereby incorporated by reference and may be obtained from the Board by calling 1(800)552-GRAD

(4723) (prompt 1). The Florida Prepaid College Plan Master Covenant, Form No. FPCB ~~2012-02~~ ~~2011-02~~, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add-a-Plan Application, Form No. FPCB ~~2012-03~~ ~~2011-03~~, is hereby incorporated by referenced and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.002 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: This rule is amended to reflect the updated form number for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 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: September 30, 2011, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: fax a written request to: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514. 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 IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2012-01 ~~2011-01~~, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-204.003
 RULE TITLE: Food Services – Standards of Operation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to generally update the language of the rule and to promulgate language in Department policy related to food service that constitutes a “rule” as defined in Chapter 120.

SUBJECT AREA TO BE ADDRESSED: Food services.

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, IF AVAILABLE, IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.101
 RULE TITLE: Incentive Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify when an inmate may be ineligible for gain time.

SUBJECT AREA TO BE ADDRESSED: Gain time.

RULEMAKING AUTHORITY: 944.09, 944.275, 944.281 FS.

LAW IMPLEMENTED: 944.09, 944.275, 944.281, 944.801(3)(i)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 IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.101 Incentive Gain Time.

(1) through (2) No change.

(3) How credited. For inmates eligible to receive consideration under this section, the following procedures shall be used.

(a) Each inmate eligible for consideration for award of incentive gain time shall receive gain time evaluations based upon his institutional adjustment as reflected in evaluations from security, work and program components, if assigned. If it becomes necessary to make corrections to the inmate’s monthly security, work or program evaluations after the evaluations have already been submitted, the request for correction along with the reasons for the correction shall be submitted in writing to the department head for approval. The approved corrections shall be submitted to the classification ~~correctional probation~~ officer or his designee who shall make the necessary changes.

1. through 4. No change.

(b) The classification ~~correctional probation~~ officer or designee shall evaluate the security and performance ratings which reflect the inmate’s institutional adjustment for the month. The final determination of an award of incentive gain time shall be determined by the classification ~~correctional probation~~ officer or designee and shall be based on the inmate’s overall monthly activities. When the classification ~~correctional probation~~ officer or designee concurs with the preliminary base gain time recommendation being applied no modification is required. The preliminary base gain time recommendation may be modified by the classification ~~correctional probation~~ officer as reflected by the inmates overall institutional adjustment and level of work and program participation for the month. The classification ~~correctional probation~~ officer or designee may modify the preliminary base gain time recommendation upward or downward from 1 to 4 days not to exceed the maximum eligible award. Any time the classification ~~correctional probation~~ officer or designee modifies the preliminary base gain time recommendation, the reason for the modification shall be noted. These modifications will be applied to the preliminary base gain time recommendation reflective of the overall rating derived from the security and performance evaluation or security evaluation alone. Reasons for modification of the preliminary base gain time recommendation include:

1. through (5) No change.

(6) Inmates in disciplinary confinement status are not eligible for a work/program rating even if assigned to work or programs while in disciplinary confinement. Inmates in disciplinary confinement are eligible for a security rating award which can be modified by the classification ~~correctional probation~~ officer in accordance with paragraph 33-601.101(3)(b), F.A.C.

(a) Disciplinary or court action. An inmate is not eligible to receive incentive gain time for the month in which there is an infraction of the rules of the Department or the laws of the State for which he is found guilty. Additionally, those inmates on escape status and detained by other agencies may not be awarded incentive gain time for the period of time out of custody even though lodged in another confinement facility. ~~Any inmate who is found guilty of a disciplinary report on or after July 15, 2009 and who is serving a sentence imposed for an offense committed on or after October 1, 1995 shall be eligible to earn incentive gain time as follows:~~

~~1. For disciplinary reports in which the final approved action is not confinement or loss of gain time or where the final recommended action is probation, pursuant to paragraph 33-601.308(3)(b), F.A.C., the inmate shall be eligible to earn incentive gain time the month following the month in which the disciplinary infraction occurred. However, if the inmate violates the probation and the original penalty meets the requirements of subparagraphs 2. and 3. below, the inmate is then subject to the limitations on earning incentive gain time as noted.~~

~~2. For disciplinary reports in which the final approved action is less than or equal to 30 days confinement or less than or equal to 30 days loss of gain time, the inmate shall not be eligible to earn incentive gain time for one month following the month in which the disciplinary infraction occurred. The one month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.~~

~~3. For disciplinary reports in which the final approved action is greater than 30 days confinement or greater than 30 days loss of gain time, or where the inmate was convicted of an offense occurring while committed to the Department of Corrections, the inmate shall not be eligible to earn incentive gain time for two months following the month in which the disciplinary infraction or offense occurred. The two month period of ineligibility shall not begin to run until the inmate is in the department's custody and would be otherwise eligible to earn gain time but for the disciplinary action or new offense.~~

~~4. The period of ineligibility referenced in subparagraphs 2. and 3. shall be suspended if the inmate leaves the custody of the department before completion of the period of ineligibility. The period of ineligibility will resume upon the inmate's return to department custody and will continue to run until its completion.~~

~~5. The failure to serve the confinement imposed does not alter the ineligibility of the inmate to earn incentive gain time as noted in subparagraphs 2. and 3.~~

~~6. The ineligibility of the inmate to earn gain time as noted in subparagraphs 2. and 3. remains in effect when, due to unavailability of gain time, unearned gain time is designated as the final approved action.~~

(b) through (8) No change.

Rulemaking Authority 944.09, 944.275, 944.281 FS. Law Implemented 944.09, 944.275, 944.281, 944.801(3)(i)5. FS. History—New 2-26-80, Amended 1-12-83, 1-31-85, 10-7-85, Formerly 33-11.065, Amended 4-28-87, 7-12-89, 7-17-90, 10-16-90, 10-14-91, 2-17-93, 4-17-94, 7-17-94, 4-21-96, 6-1-97, 10-7-97, 3-11-98, 5-12-98, 7-9-98, 9-17-98, Formerly 33-11.0065, Amended 7-15-09, 4-19-10,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.800
 RULE TITLE: Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that for inmates who have committed certain offenses such as assault or battery against staff, the regional director shall provide written authorization prior to release of such inmates from close management.

SUBJECT AREA TO BE ADDRESSED: Close management.

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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) through (15) No change.

(16) Review of Close Management.

(a) through (f) No change.

(g) Before an inmate is released from CM, written authorization must be obtained by the SCO from the regional director if any of the following apply:

1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member;

2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member; or

3. The inmate is confined under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member in the state from which he transferred.

Rulemaking Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, 6-28-10, 3-9-11, 7-31-11, _____.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.002 RULE TITLE: Delegation of Authority

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference an Amendment to the Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department. The Amendment is effective October 1, 2011 and extends the delegation of well construction permitting responsibility to Marion County for 5 more years.

SUBJECT AREA TO BE ADDRESSED: Well Construction Permitting.

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.246, 373.308, 373.309, 373.427 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 5 days before the workshop/meeting by contacting: Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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: Barbara Martinez, Sr. Admin. Assistant, SWFWMD, 2379 Broad St., Brooksville, FL 34604-6899, (352)796-7211 (4660) (OGC #2011033)

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-2.302 RULE TITLE: Reservations from Use

PURPOSE AND EFFECT: To amend Rule 40D-2.302, F.A.C., to reserve from use water from Pretty Lake in Hillsborough County, Florida pursuant to Section 373.0421, Florida Statutes. SUBJECT AREA TO BE ADDRESSED: Reserve from use for water use permitting water from Pretty Lake in Hillsborough County, Florida in order to use it during periods of excess flow as necessary to increase lake levels, including to achieve minimum lake levels, and to restore fish and wildlife in Lakes Horse, Raleigh, and Rogers in Hillsborough County, Florida.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0421, 373.223(4) FS.

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

DATE AND TIME: October 6, 2011, 6:00 p.m.

PLACE: Keystone Recreation Center, 17928 Gunn Highway, Odessa, FL 33556

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: Southwest Florida Water Management District, Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899, telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702, TDD (FL only) 1(800)231-6103 or email to ADACoordinator@swfwmd.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: Tamera McBride, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4518

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

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: 60FF1-5.002 RULE TITLE: Rural County Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify procedures for applying for and receiving rural county grants and to modify Form 1A. "E911 Rural County Grant Application (revised 7/1/2011)".

SUBJECT AREA TO BE ADDRESSED: Rural county grant program.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(2)(g), 365.172(9)(a), (b), (c), 365.173(2)(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: Ryan Butler, Special Support Manager, E911 Board, 4030 Esplanade, Suite 160, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.001 RULE TITLE: Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate an updated application form by reference.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Examination.

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 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, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.0049 RULE TITLE: Inactive Status License

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the requirement regarding the inactive status licensee paying the active status fee for each biennium during which the license was inactive.

SUBJECT AREA TO BE ADDRESSED: Inactive Status License.

RULEMAKING AUTHORITY: 460.036 FS.

LAW IMPLEMENTED: 460.036 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, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.: 64B3-1.006 RULE TITLES: Notices, Current Address of Licensees
64B3-1.008 Board Meetings

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning notifying the department via electronic methods and to update the type of board meetings.

SUBJECT AREA TO BE ADDRESSED: Notices, Current Address of Licensees; Board Meetings.

RULEMAKING AUTHORITY: 456.035 456.011, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 456.011, 456.035(1), 483.817, 483.819 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-2.002
 RULE TITLE: Clinical Laboratory Personnel
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning direct supervision.
 SUBJECT AREA TO BE ADDRESSED: Clinical Laboratory Personnel.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), (4) FS.

LAW IMPLEMENTED: 483.035(1), 483.803, 483.811, 483.821, 483.823 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.002
 RULE TITLE: Personnel of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning rules that are referenced in the rule.

SUBJECT AREA TO BE ADDRESSED: Personnel of Clinical Laboratory Personnel Training Programs.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001
 RULE TITLE: Trainee Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment to update language concerning requirements of training program for trainee registration.

SUBJECT AREA TO BE ADDRESSED: Trainee Registration.
 RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.004
 RULE TITLE: Technician

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the examinations for clinical laboratory personnel.

SUBJECT AREA TO BE ADDRESSED: Technician.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-6.002	Documentation for Licensure
64B3-6.003	Personnel Licensure – Temporary Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the American Society for Clinical Pathology Board of Certification and to clarify language concerning the temporary license.

SUBJECT AREA TO BE ADDRESSED: Documentation for Licensure; Personal Licensure – Temporary Permit.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 456.013, 483.809, 483.813, 483.815, 483.823 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-9.001	Application Fees
64B3-9.002	Initial Licensure Fees

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete the fee for a public health science technician and a public health technician.

SUBJECT AREA TO BE ADDRESSED: Application Fees; Initial Licensure Fees.

RULEMAKING AUTHORITY: 456.025, 483.805(4), 483.807(1) FS.

LAW IMPLEMENTED: 456.025, 483.807, 483.815 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, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-5.001	Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to update disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., has committed any of the acts set forth in Section 456.072(1) or 491.009(2), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (f) No change.

(g) Knowingly aiding, assisting, procuring, or advising a non-licensed person to hold oneself out as licensed under Chapter 491, F.S.

(Sections 456.072(1)(j) & 491.009(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000 fine and reprimand	\$1,000 fine and/or probation, 1 year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and permanent revocation;
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	\$1,000 fine and permanent revocation;

(h) No change.

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.

(Sections 456.072(1)(l) & 491.009(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1,000 fine and/or probation, 1 year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and 1 year suspension followed by probation; denial or \$1,000 fine and permanent revocation;
THIRD OFFENSE:	\$1,000 fine, 1 year suspension followed by probation	\$10,000 fine and permanent revocation

(j) through (k) No change.

(l) Making misleading, deceptive, untrue, or fraudulent misrepresentations in the practice of any profession licensed under Chapter 491, F.S., or employing a trick or scheme in or related to the practice of a profession.

(Sections 456.072(1)(a), (m) & 491.009(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 fine	\$1,000 fine and reprimand;
SECOND OFFENSE:	\$500 fine	\$1,000 fine and probation;
THIRD OFFENSE:	\$1,000 fine	\$1,000 fine and 1 year suspension followed by probation;

FRAUD First Offense	\$250 fine	\$1000 fine and/or reprimand, probation, suspension, then probation, permanent revocation
FRAUD Second Offense	\$500 fine	\$1000 fine and/or probation, suspension then probation, permanent revocation
FRAUD Third Offense	\$1000 fine	\$1000 fine and/or 1 year suspension, then probation, permanent revocation

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.

(Section 491.009(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1,000 fine and/or 6 month suspension followed by probation, permanent revocation;
SECOND OFFENSE:	\$1,000 and reprimand	\$1,000 fine and/or 1 year suspension followed by probation, permanent revocation;
THIRD OFFENSE:	\$1,000 fine 1 year and suspension followed by probation	\$1,000 fine permanent revocation;

(n) Failing to make available to a patient or client, upon written request, copies of tests, reports, or documents in the possession or under the control of the licensee which have been prepared for and paid for by the patient or client.

(Section 491.009(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 1,000 fine and reprimand	\$1,000 fine and probation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and 1 year suspension followed by probation;

(o) through (p) No change.

(q) Violating provisions of Chapter 491 or 456, F.S., or any rule adopted pursuant thereto.

(Sections 456.072(1)(dd) & 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 500 fine and reprimand	\$1,000 fine and/or probation; 1 year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(r) No change.

(s) Failing to meet the MINIMUM standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.
(Section 491.009(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 fine and reprimand	\$5,000 1,000 fine and/or probation, <u>1</u> year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and/or 1 year suspension followed by probation, permanent revocation;
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(t) No change.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.
(Section 491.009(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 1,000 fine and reprimand	\$1,000 fine and/or 6 month suspension followed by Probation, permanent revocation;
SECOND OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(v) through (aa) No change.

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.
(Section 456.072(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$1,000 fine and reprimand	\$1,000 fine and/or 6 months suspension followed by Probation, permanent revocation;
SECOND OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(cc) through (dd) No change.

(ee) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
(Sections 456.072(1)(q) & 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 500 fine and reprimand	\$1,000 fine and/or probation, <u>1</u> year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and/or 1 year suspension followed by probation, or permanent revocation;
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(ff) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.
(Section 456.072(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$500 fine and reprimand	\$1,000 fine and/or reprimand, <u>1</u> year suspension then probation; permanent revocation;
SECOND OFFENSE:	\$1,000 fine and probation	\$1,000 fine and/or 3 month suspension followed by probation, permanent revocation;
THIRD OFFENSE:	\$1,000 fine and 1 year suspension followed by probation	denial or \$1,000 fine and permanent revocation;

(gg) through (ii) No change.

(jj) Failing to inform the department, within 30 days, of any change of address of either the place of practice or current mailing address of any applicant or licensee.
(Section 456.035, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	\$250 fine reprimand	\$500 1,000 fine and reprimand 1 year probation;
SECOND OFFENSE:	\$1,000 fine and reprimand	\$1,000 fine and/or <u>1</u> year probation, 6 month suspension followed by probation;
THIRD OFFENSE:	\$1,000 fine and probation	\$1,000 fine and permanent revocation.

(kk) through (oo) No change.

(2) through (4) No change.

Rulemaking Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History—New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05, 1-16-06, 4-6-10, _____.

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-7.002
 RULE TITLE: Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide clarification of instruction required for a clinical social worker, marriage and family therapist, and mental health counselor to practice hypnosis; to provide clarification concerning qualifications for an intern practicing hypnosis.

SUBJECT AREA TO BE ADDRESSED: Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis.

RULEMAKING AUTHORITY: 491.004(5), 491.0141 FS.

LAW IMPLEMENTED: 491.0141 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.002 Qualifications Necessary for Clinical Social Workers, Marriage and Family Therapists and Mental Health Counselors to Practice Hypnosis.

(1) Before practicing hypnosis for any therapeutic purpose, ~~other than stress management, self-hypnosis, guided imagery, or relaxation,~~ a clinical social worker, marriage and family therapist, or mental health counselor licensee shall have successfully completed at least 50 hours of instruction in concepts of and misconceptions of hypnosis induction techniques, contraindications ~~contraindications~~ to hypnosis, and the relationships of personality dynamics, psychopathology and ethical issues to hypnosis. Such instruction must have met the standards for approval of continuing education courses set forth in Rule 64B4-6.002, F.A.C., and in addition must have been taught by qualified teachers as defined in Rule 64B4-7.003, F.A.C.

(2) An intern may not practice hypnosis unless practicing under the supervision of a qualified supervisor who has met the requirements to practice hypnosis.

Rulemaking Specific Authority 491.004(5), 491.0141 FS. Law Implemented 491.0141 FS. History—New 7-6-88, Amended 2-25-90, Formerly 21CC-7.002, 61F4-7.002, 59P-7.002, Amended 7-20-98, _____.

DEPARTMENT OF HEALTH

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

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

PURPOSE AND EFFECT: The Board proposes promulgation of the rule to provide requirements to be a qualified practitioner for completing risk assessments and treatment of sexual offenders.

SUBJECT AREA TO BE ADDRESSED: Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

RULEMAKING AUTHORITY: 947.005(10), 984.001(9), 491.004(5) FS.

LAW IMPLEMENTED: 947.1405(7)(a)5., 948.30(1)(e) 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: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-7.0081 Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

(1) Licensees approved by the Florida Department of Corrections (DOC) or Federal Probation Service to complete risk assessments and treat sexual offenders or who were a clinical member of Association for the Treatment of Sexual Abusers (ATSA) or the Florida Association for the Treatment of Sexual Abusers (FATSA) on or before June 30, 2010, shall be deemed to be qualified practitioners.

(2) In order to be a qualified practitioner for completing risk assessments for sexual offenders, one must hold an active license as a clinical social worker, marriage and family therapist, or mental health counselor under Chapter 491, Florida Statutes.

(3) A qualified practitioner under this rule shall possess 60 hours of post degree graduate coursework or post degree continuing education in all of the following core areas with a minimum of three (3) hours per area:

- (a) Etiology of sexual deviance;
- (b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific bases;
- (c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders;
- (d) Physiological measures of sexual arousal;
- (e) Sexual offender and current DSM diagnosis;
- (f) Safety planning/Family Safety planning;
- (g) Report writing;
- (h) Legal and ethical issues in the evaluation and treatment of sexual offenders;

- (i) Co-morbidity and substance abuse issues; and
- (j) Relapse prevention.

(4) Have documented 2,000 hours of post degree experience in the evaluation and treatment of sexual offenders.

(5) A qualified practitioner under this rule must complete 20 hours of board approved biennial continuing education in the assessment, evaluation and treatment of sexual offenders; relapse prevention; experience and training in working with victims; and related legal and ethical issues.

Rulemaking Authority 947.005(10), 948.001(9), 491.004(5) FS. Law Implemented 947.1405(7)(a)5., 948.30(1)(e) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-42.001 RULE TITLE: Licensure by Endorsement

PURPOSE AND EFFECT: The Council proposes the development of rule amendment to address changes for initial licensure application.

SUBJECT AREA TO BE ADDRESSED: Changes for Initial Licensure application.

RULEMAKING AUTHORITY: 456.017(1), 468.507 FS.

LAW IMPLEMENTED: 456.027, 468.507, 468.509, 468.513 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-42.002 RULE TITLE: Licensure by Examination

PURPOSE AND EFFECT: The Council proposes the development of rule amendment to address changes for initial licensure application.

SUBJECT AREA TO BE ADDRESSED: Changes for Initial Licensure application.

RULEMAKING AUTHORITY: 456.017(1), 468.507 FS.

LAW IMPLEMENTED: 456.027, 468.507, 468.509, 468.513 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: Allen Hall, Executive Director, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001 RULE TITLE: Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: The Board proposed to remove language in sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C.

SUBJECT AREA TO BE ADDRESSED: Removing sub-subparagraph 64B17-3.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.

RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 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: Allen

Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.003 RULE TITLE: Licensure by Endorsement
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language requirement.
 SUBJECT AREA TO BE ADDRESSED: Changes for initial licensure application and the English language proficiency requirement language.
 RULEMAKING AUTHORITY: 486.025(1), 486.031(3) FS.
 LAW IMPLEMENTED: 456.017, 486.031, 486.051 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: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.001 RULE TITLE: Licensure as a Physical Therapist Assistant by Examination
 PURPOSE AND EFFECT: The Board proposes the rule to remove language in sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C.
 SUBJECT AREA TO BE ADDRESSED: Removing sub-subparagraph 64B17-4.001(3)(b)1.f., F.A.C., regarding Immigration and Naturalization Services of the federal government.
 RULEMAKING AUTHORITY: 486.025, 486.102 FS.
 LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 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: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.003 RULE TITLE: Licensure by Endorsement
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes for initial licensure application and the English language requirement.
 SUBJECT AREA TO BE ADDRESSED: Changes for initial licensure application and the English language proficiency requirement language.
 RULEMAKING AUTHORITY: 486.025, 486.102 FS.
 LAW IMPLEMENTED: 456.017, 486.102(3), 486.104 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: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.713 RULE TITLE: SSI-Related Medicaid Income Eligibility Criteria
 PURPOSE AND EFFECT: The proposed rule puts the form CF-ES 2262, Request for Veteran’s Information, into rule.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule expedites the process of obtaining verification of income from the Veteran’s Administration.
 RULEMAKING AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: October 12, 2011, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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: Pat Whitford, (850)717-4142. 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: Pat Whitford, ACCESS Florida Program Policy, (850)717-4142, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, Pat_Whitford@dcf.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.099823	Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program

PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt revised performance standards for students in the Voluntary Prekindergarten (VPK) Education Program pursuant to Section 1002.69(1), Florida Statutes. The revised performance standards will address the age-appropriate progress of students in the development of: (a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and (b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

SUMMARY: The proposed rule adopts the “Florida Early Learning and Developmental Standards for Four-Year-Olds (2011)” as the performance standards for students in VPK Education Programs.

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.

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: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 18, 2011, 8:30 a.m.

PLACE: Miami Edison Senior High School, 6161 N.W. 5th Ct., Miami, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stuart Greenberg, Executive Director, Just Read, Florida! and the Office of Early Learning, Department of Education, Suite 514, 325 West Gaines Street, Tallahassee, Florida 32399, (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program.

Minimum student performance standards adopted by the State Board of Education for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in the publication “Florida Early Learning and Developmental Standards for Four-Year-Olds (2011), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00589> ~~Florida Voluntary Prekindergarten (VPK) Education Standards, Florida Department of Education 2008.~~” The standards incorporated in this document are hereby incorporated by reference in this rule and made a part of the rules of the State Board of Education ~~to become effective with the effective with the effective date of this rule. Copies of this publication may be obtained through Florida Institute of Education at the University of North Florida, 12000 Alumni Drive, Jacksonville, Florida 32224 2678 at a price to be established by the Commissioner not to exceed actual costs.~~

Rulemaking Specific Authority 1002.79(1) FS. Law Implemented 1002.67(1) FS. History—New 7-25-07, Amended 9-22-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Michael Grego, Interim Chancellor, K-12 Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2011