

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 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

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-4.0021 Florida Teacher Certification
 Examinations

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt new competencies and skills for the English for Speakers of Other Languages (ESOL) K-12, Mathematics 6-12, Middle Grades Mathematics 5-9, and Professional Education examinations, effective January 1, 2013 and new passing score requirements for the Educational Media Specialist PK-12, Exceptional Student Education (ESE) K-12, and Social Science 6-12 examinations, effective January 1, 2012. The effect of these changes will be updated competencies and skills for the FTCE and modification of existing passing score requirements for the affected subject area examinations.

SUMMARY: The rule is proposed for amendment to adopt the new edition of the Competencies and Skills Required for Teacher Certification in Florida, Seventeenth Edition, and new passing score requirements for three subject area examinations.

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: 1012.56(9) FS.

LAW IMPLEMENTED: 1012.56 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: Phil Canto, Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) Scope. This rule governs the written examinations for teacher certification. Additional requirements for certification are specified in Chapter 6A-4, F.A.C.

(2) Description of the examinations and competencies to be demonstrated.

(a) The Florida Teacher Certification Examinations shall be developed by the Commissioner of Education.

(b) The written examinations shall include subtests of English language skills, reading, writing, mathematics, professional skills, and subject area specialty. These examinations may contain multiple-choice questions and questions requiring the examinee to write an answer or demonstrate a proficiency.

(c) The following competencies are to be demonstrated by means of the written examinations:

1. Before January 1, 2012, the general knowledge competencies and skills as contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition." Beginning with the January 1, 2012, test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition." Beginning with the January 1, 2013, test administration, the general knowledge competencies and skills as contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventeenth Edition," <http://www.flrules.org/Gateway/reference.asp?No=Ref-00587>, which is incorporated by reference and made part of this rule. Copies of these publications may be obtained from the Department's web site at <http://www.fldoe.org/asp/ftce/>.

2. Before January 1, 2012, the professional education test competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition," which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2012, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00247>) ~~January 2012~~ which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2013, the professional education test competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Seventeenth Edition," which is incorporated by reference and made part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule, and

3. Before January 1, 2012, the subject area competencies and skills contained in the publication, "Competencies and Skills Required for Teacher Certification in Florida, Fifteenth Edition," which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2012, the subject area competencies and skills contained in the publication "Competencies and Skills Required for Teacher Certification in Florida, Sixteenth Edition," (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00247>) which is hereby incorporated by reference and made a part of this rule. Beginning January 1, 2013, the subject area competencies and

skills contained in the publication “Competencies and Skills Required for Teacher Certification in Florida, Seventeenth Edition,” which is incorporated by reference and made part of this rule. Copies of these publications may be obtained as described in subparagraph (2)(c)1. of this rule.

(3) through (9)(q) No change.

(r) Effective January 1, 2012, the passing score for the Educational Media Specialist PK-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-five (85) correct items on the March 2011 and April 2011 test administrations.

(s) Effective January 1, 2012, the passing score for the Exceptional Student Education K-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-one (81) correct items on the April 2011 test administration.

(t) Effective January 1, 2012, the passing score for the Social Science 6-12 examination shall be a scaled score of at least two hundred (200). This scaled score shall be equivalent to a raw score of eighty-seven (87) correct items on the March 2011 test administration.

(u)(*) The Commissioner of Education shall review the passing score for each of the General Knowledge Subtests, each of the subject area specialty examinations, and the professional education test not less than once every five (5) years and determine whether to recommend to the State Board of Education to maintain or change the existing passing scores.

(10) through (11) No change.

Rulemaking Authority 1012.55(1), 1012.56, 1012.59 FS. Law Implemented 1012.55, 1012.56, 1012.59 FS. History—New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99, 7-17-00, 7-16-01, 3-24-02, 7-16-02, 3-24-03, 7-21-03, 12-23-03, 7-13-04, 5-24-05, 5-23-06, 5-21-07, 5-19-08, 7-21-08, 7-9-09, 6-22-10, 6-21-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kris Ellington, Deputy Commissioner, Accountability, Research, and Measurement

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: July 15, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.077

Preapprenticeship Programs

PURPOSE AND EFFECT: The purpose is to repeal the rule to remove inconsistencies, redundancies and unnecessary repetitions within the Florida Administrative Code pertaining to preapprenticeship programs. Since the last amendment in 1994, requirements and provisions pertaining to apprenticeship and preapprenticeship programs in Florida have been rewritten and approved by the State Board of Education in 2010, rendering this rule outdated, duplicative in nature and unnecessary.

SUMMARY: This rule is to be repealed.

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: 446.041(12), 446.052(2) FS.

LAW IMPLEMENTED: 446.052 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: Ken Olsen, Program Director, Apprenticeship Programs, 325 W. Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9039, Ken.Olsen@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.077 Preapprenticeship Programs.

Rulemaking Specific Authority 446.041(12), 446.052(2) FS. Law Implemented 446.052 FS. History—New 9-17-72, Repromulgated 12-5-74, Formerly 6A-6.77, Amended 10-18-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Loretta Costin, Chancellor, Career and Adult Education

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

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-10.0371 Model Non-Instructional Adult
Literacy Centers

PURPOSE AND EFFECT: The purpose is to repeal the rule as Section 1004.95, Florida Statutes, the governing statute was repealed by the Florida Legislature in 2011. These centers have not been funded since 2000 and the centers originally created under Section 1004.95, Florida Statutes, no longer exist.

SUMMARY: This rule is to be repealed.

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: 1004.95(4) FS.

LAW IMPLEMENTED: 1004.95 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: Kathleen Taylor, Bureau Chief, Standards, Benchmarks and Frameworks, 325 West Gaines Street, Suite 754, Tallahassee, Florida 32399-0400, (850)245-9062, Kathleen.Taylor@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.0371 Model Non-Instructional Adult Literacy Centers.

Rulemaking Specific Authority 1004.95(4) FS. Law Implemented 1004.95 FS. History—New 8-30-88, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Loretta Costin, Chancellor, Career and Adult Education

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

EXECUTIVE OFFICE OF THE GOVERNOR**Office of Tourism, Trade and Economic Development**

RULE NO.: RULE TITLE:
27M-2.001 Certification for Spring Training
Baseball Facilities

PURPOSE AND EFFECT: To establish the application processes for certification of spring training facilities and professional sports franchise facilities. Also provides a process for decertification of certified spring training facilities.

SUMMARY: The rule replaces obsolete references including those to particular dates and individuals and replaces them with recurring deadlines based on funding cycle and generic position titles; updates forms utilized in conjunction with the program and fulfills statutory direction for rule adoption relating to new or retained sports franchises despite the fact that the program has operated at the statutory maximum number of franchises for many years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the agency, this rulemaking proceeding is restricted to elimination of obsolete dates, clarification of existing provisions and implementation of a statutory provision not anticipated to have any substantive effect; and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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: 288.11621(8), 288.1162(2) FS.

LAW IMPLEMENTED: 288.11621, 288.1162 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: Michelle Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568, michelle.dennard@eog.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27M-2.001 Certification for ~~Retained~~ Spring Training Baseball Facilities.

(1) Upon notice as published in the Florida Administrative Weekly, the Florida Sports Foundation will accept applications for certification to receive state funding for Spring Training

Baseball Facilities. An applicant must submit an application for certification to the Florida Sports Foundation as indicated in the published notice by 5:00 p.m., EST, October 2, 2006 in order to be considered for certification. Applications may not be changed once submitted. The original and seven (7) copies of the application should be submitted to the following address:

Florida Sports Foundation
Attention: President Larry Pendleton
2930 Kerry Forest Parkway, Suite-100
Tallahassee, Florida 32309
Phone: (850)488-8347
Fax: (850)922-0482

(2) Each application will be reviewed based on the requirements set forth in Section 288.11621(2), F.S. (2010) 288.1162(5)(c)2., F.S. (2006).

(3) The Florida Sports Foundation will receive the application and conduct a scoring of each application based on the criteria established in Section 288.11621 (2), F.S. (2010) 288.1162(5)(c)2., F.S. (2006), using the Spring Training Baseball Facility Application Evaluation Criteria Worksheet (OTTED Form 9102-1 (05/2011)) incorporated herein by reference. Any discrepancies in the application will be resolved in accordance with Section 288.1162(5)(c)2., F.S. (2006).

(4) The Florida Sports Foundation will complete its review and forward its recommendations for certification to the Office of Tourism, Trade, and Economic Development within thirty (30) days of the close of the application period indicated in the notice published in the Florida Administrative Weekly by 5:00 p.m., EST, November 30, 2006.

(5) The Office of Tourism, Trade, and Economic Development will review the recommendations within thirty (30) days of receipt from the Florida Sports Foundation by December 15, 2006. The Office of Tourism, Trade, and Economic Development and the Florida Sports Foundation will meet during the month of December 2006 to review and finalize the certifications. Certifications will be announced by 5:00 p.m. EST, January 2, 2007. After the review, each applicant will be notified as to whether it has been certified.

Rulemaking Specific Authority 288.11621(8) FS. Law Implemented 288.11621(2) FS. History—New 2-12-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michelle Dennard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michelle Dennard

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2011

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NO.:

RULE TITLE:

27M-3.001

Definitions and Forms

PURPOSE AND EFFECT: To update forms used in conjunction with the Black Business Loan Program pursuant to Section 288.7102, F.S.

SUMMARY: Updates and implements editorial changes to the forms utilized by the Black Business Loan Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business and is not likely to directly or indirectly increase regulatory costs by more than \$200,000 within one year of taking effect. A SERC has not been prepared by the agency. Based on analysis from the agency, the changes to the forms conform them to statutory and regulatory provisions and would not have an impact on small business or the private sector, the rule is not expected to require legislative ratification.

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: 288.7102(7) FS.

LAW IMPLEMENTED: 288.7102 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: Michelle Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, Tallahassee, Florida 32399, (850)487-2568, michelle.dennard@eog.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

27M-3.001 Definitions and Forms.

As used in this Rule Chapter 27M-3, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at http://www.flgov.com/otted_home or may be obtained from the Office.

(1) No change.

(2)“Agreement” means the standard “Black Business Loan Program Recipient Agreement” form OTTED 7102-5 (1/11) (5/10) which is hereby incorporated by reference.

(3) No change.

(4)“Application” means the standard “Application for Certification as Eligible Recipient of Funds under the Black Business Loan Program” form OTTED 7102-1 (1/11) (5/10) which is hereby incorporated by reference.

(5) "Application Evaluation Form" means the standard "Black Business Loan Program Application Evaluation" form OTTED 7102-2 (1/11) ~~(5/10)~~ which is hereby incorporated by reference.

(6) "Application Period" means the annual period during which Applicants may submit Applications, which shall be May 1 through June 1 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

(7) "Certification Decision Form" means the standard "Black Business Loan Program Certification and Allocation Decision" form OTTED 7102-4 (1/11) ~~(5/10)~~.

(8) "Eligible" means that an Applicant has demonstrated satisfaction of each of the requirements specified in section 288.7102(4), F.S.

(9) "Existing Recipient" means an Applicant that, after a certification process, the Office certified to receive Program funds for the previous year and that entered into an Agreement with the Office.

(10) "New Recipient" means an Applicant that the Office did not certify for the previous year.

(11) "Office" means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399.

(12) "Program" means the Black Business Loan Program established by Section 288.7102, F.S.

(13) "Recipient" means an Applicant that, after a competitive certification process, the Office certifies to receive Program funds and that enters into an Agreement with the Office.

(14) "Summary Recommendation Form" means the standard "Black Business Loan Program Summary Recommendation" form OTTED 7102-3 (1/11) ~~(5/10)~~ which is hereby incorporated by reference.

Rulemaking Authority 288.7102(7) FS. Law Implemented 288.7094(2), 288.7102 FS. History—New 9-1-08, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michelle Dennard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michelle Dennard

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:

61D-2.008

61D-2.018

61D-2.019

RULE TITLES:

Pre-meet Report Required

Pooling of Prize Money in Jai Alai Prohibited

Starting Time Notice Requirement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rules 61D-2.008, 2.018, and 2.019, F.A.C., identified during the comprehensive rule review as duplicative.

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: 550.01215(4), 550.0251(3), 550.105(2)(b), (c), (4)(b) FS.

LAW IMPLEMENTED: 120.80, 550.01215, 550.0251, 550.105, 550.1155, 550.235 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 11, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-2.008 Pre-meet Report Required.

Rulemaking Specific Authority 550.0251(3), 550.105(2)(b) FS. Law Implemented 550.01215, 550.0251 FS. History–New 10-20-96, Amended 4-12-06, Repealed.

61D-2.018 Pooling of Prize Money in Jai Alai Prohibited.

Rulemaking Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.105, 550.235 FS. History–New 10-20-96, Repromulgated 4-12-06, Repealed.

61D-2.019 Starting Time Notice Requirement.

Rulemaking Specific Authority 550.01215(4), 550.0251(3), 550.105(2)(c), (4)(b) FS. Law Implemented 120.80, 550.01215, 550.0251, 550.1155 FS. History–New 10-20-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-5.007 Basis for Denial or Cancellation of License

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rule 61D-5.007, F.A.C., identified during the comprehensive rule review as duplicative.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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: 550.0251(3), 550.105(2)(b), (10) FS.

LAW IMPLEMENTED: 550.0251, 550.105 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 11, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-5.007 Basis for Denial or Cancellation of License.

Rulemaking Specific Authority 550.0251(3), 550.105(2)(b), (10) FS. Law Implemented 550.0251, 550.105 FS. History–New 10-20-96, Amended 12-15-97, 4-12-06, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-6.010 Human Drug Testing; Urine Testing for Controlled Substances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rule 61D-6.010, F.A.C., identified during the comprehensive rule review as duplicative.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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: 120.80(4)(a), 550.0251(3), (5) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.24055, 550.2415 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 11, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.010 Human Drug Testing; Urine Testing for Controlled Substances.

Rulemaking Specific Authority 120.80(4)(a), 550.0251(3), (5) FS. Law Implemented 120.80(4)(a), 550.0251, 550.24055, 550.2415 FS. History–New 10-20-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-11.016
RULE TITLE: Card and Domino Tables

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement changes relating to cardroom operations.

SUMMARY: This proposed rule is amended to permit the use of “hole card” cameras and allow “tournament only tables” to be utilized without the usual requirements for card and domino tables as specified in the rule.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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: 550.0251(12), 849.086(4)(a) FS.

LAW IMPLEMENTED: 849.086 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 11, 2011, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-11.016 Card and Domino Tables.

(1) through (5) No change.

(6) At no time may a cardroom contain more tables than that for which the cardroom operator has been licensed. ~~Unused and unlicensed tables must not be stored inside the cardroom, but may be stored in designated non-public areas for the purpose of dealer training or other storage areas with no potential for official play.~~

(7) Card tables that are used only for tournament play do not need to meet the requirements of authorized tables in subsection (1) above. Domino tables that are used only for tournament play do not need to be equipped with drop boxes and drop box slots. Tables used only for tournament play shall be designated as "tournament only" in the floor plan as required by Rule 61D-11.019, F.A.C.

(8) Card and domino tables used solely for tournament play may be equipped with "hole card" cameras that only permit a non-live delayed feed broadcast.

Rulemaking Specific Authority 550.0251(12), 849.086(4)(a) FS. Law Implemented 849.086 FS. History--New 1-7-97, Amended 9-7-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Milton Champion, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-13.001	General Rules
61D-13.002	Stewards
61D-13.003	Jockeys
61D-13.004	Maintaining a Straight Course
61D-13.005	Disqualification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: Elimination of Rules 61D-13.001, 13.002, 13.003, 13.004, and 13.005, F.A.C., identified during the comprehensive rule review as duplicative.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: None.

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: 120.80(4)(a), 550.0251(3), (11), 550.1155 FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.1155 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 11, 2011, 11:00 a.m. – 12:00 Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary Polombo at (850)717-1098. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-13.001 General Rules.

Rulemaking Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History--New 8-15-04, Repealed_____.

61D-13.002 Stewards.

Rulemaking Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History--New 8-15-04, Repealed_____.

61D-13.003 Jockeys.

Rulemaking Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History--New 8-15-04, Repealed_____.

61D-13.004 Maintaining a Straight Course.

Rulemaking Specific Authority 550.0251(3), (11) FS. Law Implemented 550.0251 FS. History--New 8-15-04, Repealed_____.

61D-13.005 Disqualification.

Rulemaking Specific Authority 550.0251(3), (11), 550.2415(13) FS.
Law Implemented 550.0251, 550.2415 FS. History–New 8-15-04,
Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Milton Champion, Director, Division of Pari-Mutuel Wagering
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ken Lawson, Secretary, Department of
Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 2, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-210.200 Definitions

PURPOSE AND EFFECT: The proposed rule (OGC No. 11-0614) involves amendments to Rule 62-210.200, F.A.C., to exclude ethanol fuel production facilities from the meaning of the term “chemical process plant” in two definitions where the term occurs.

SUMMARY: The proposed rule amends two definitions in the department’s air permitting rules to exclude ethanol fuel production facilities from the meaning of the term “chemical process plants,” thereby raising the emission threshold for applicability of the state’s major source permitting rules for such facilities from 100 tons per year (TPY) of any regulated air pollutant to 250 TPY. Additionally, the proposed rule adds a definition of “North American Industry Classification System” or “NAICS” which is referenced in the amended meaning of “chemical process plants.” The proposed rule amendments are consistent with U.S. Environmental Protection Agency (EPA) regulations adopted May 1, 2007. The proposed rule amendments are not expected to require legislative ratification.

OTHER RULES INCORPORATING THIS RULE: Rule 62-210.200, F.A.C., is referenced in Rules 62-4.050, 62-204.200, 62-210.200, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-212.100, 62-212.500, 62-212.720, 62-213.100, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.600, and 62-297.100, F.A.C.

EFFECT ON THOSE OTHER RULES: The amendments would have no impact on Rules 62-210.220, 62-210.340, 62-296.340, 62-296.401, 62-296.417, and 62-296.600, F.A.C. The amendments would change the definition cited in Rules 62-4.050, 62-204.200, 62-210.200, 62-210.300, 62-210.370, 62-212.100, 62-212.500, 62-212.720, 62-213.100, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.470, and 62-297.100, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 FS.

REQUESTS TO HOLD A HEARING: Requests to hold a rulemaking hearing must be received within 21 days after the date of this notice, as required by Section 120.54(3)(c), Florida Statutes. The hearing, if requested, will be held at the date, time, and place shown below. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

DATE AND TIME: Thursday, October 13, 2011, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director’s Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or marnie.brynes@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 IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS35, Tallahassee, Florida 32399, Telephone (850)245-2288. E-mail patricia.comer@dep.state.fl.us. or Ms. Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9017, E-mail kelly.stevens@dep.state.fl.us

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, E-mail: patricia.comer@dep.state.fl.us. or Ms. Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, Telephone (850)717-9017, E-mail kelly.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (187) No change.

(188) “Major Source of Air Pollution” or “Title V Source”

– A facility containing an emissions unit, or any group of emissions units, which is or includes any of the following:

(a) No change.

(b) An emissions unit or group of emissions units, all belonging to the same two-digit Major Group as described in the Standard Industrial Classification Manual, 1987, that directly emits or has the potential to emit, 100 tons per year or more of any regulated air pollutant. The fugitive emissions of an emissions unit or group of emissions units shall not be considered in determining whether it is a Title V source for purposes of this paragraph unless the emissions unit or group of emissions units belongs to one of the following categories:

1. through 19. No change.

20. Chemical process plants (the term “chemical process plants” shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140);

21. through 27. No change.

(c) through (h) No change.

(189) “Major Stationary Source” –

(a) A major stationary source is:

1. Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any PSD pollutant: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants (the term “chemical process plants” shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140), fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

2. through 3. No change.

(b) No change.

(c) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this definition whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

1. through 19. No change.

20. Chemical process plants (the term “chemical process plants” shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140);

21. through 27. No change.

(d) No change.

(190) through (213) No change.

(214) “North American Industry Classification System” or “NAICS” – A federal system of classifying business establishments according to similarity in the processes used to produce goods or services, as described in the 2007 NAICS definition file, hereby adopted and incorporated by reference (<http://www.flrules.org/Gateway/...>).

(214) through (331) renumbered (215) through (332) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08, 10-12-08, 6-29-09, 3-11-10, 6-29-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Michael P. Halpin, P.E., Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Herschel T. Vinyard Jr., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2011

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:

RULE TITLE:

62-212.400

Prevention of Significant Deterioration (PSD)

PURPOSE AND EFFECT: The proposed rule (OGC No. 11-0786) involves an amendment to Rule 62-212.400, F.A.C., to exclude some facilities that produce ethanol by fermentation from the state’s “prevention of significant deterioration” air permitting rules.

SUMMARY: The proposed rule amendments exclude some facilities that produce ethanol by natural fermentation, including some ethanol fuel production facilities, from being considered a “chemical process plant” for purposes of qualifying for an exemption from the state’s “prevention of significant deterioration” air permitting rules. The proposed rule amendment is consistent with U.S. Environmental Protection Agency (EPA) regulations adopted May 1, 2007. The proposed rule amendments are not expected to require legislative ratification.

OTHER RULES INCORPORATING THIS RULE: Rule 62-212.400, F.A.C., is referenced in Rules 62-4.050, 62-204.200, 62-204.220, 62-204.320, 62-210.200, 62-210.300, 62-210.340, 62-210.350, 62-210.550, 62-212.300, 62-212.500, 62-212.600, 62-212.710, 62-296.416, 62-296.500, and 62-296.700, F.A.C.

EFFECT ON THOSE RULES: The amendments would have no impact on Rules 62-210.340, 62-212.600, 62-212.710, 62-296.416, and 62-296.700, F.A.C. The amendments would change the definition cited in Rules 62-4.050, 62-204.200, 62-204.220, 62-204.320, 62-210.200, 62-210.300, 62-210.350, 62-210.550, 62-212.300, 62-212.500, and 62-296.500, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814 FS.

REQUESTS TO HOLD A HEARING: Requests to hold a rulemaking hearing must be received within 21 days after the date of this notice, as required by Section 120.54(3)(c), Florida Statutes. The hearing, if requested, will be held at the date, time, and place shown below. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

DATE AND TIME: Thursday, October 13, 2011, 1:00 p.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director’s Conference Room, 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 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or

marnie.brynes@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 IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288. E-mail patricia.comer@dep.state.fl.us. or Ms. Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9017, E-mail kelly.stevens@dep.state.fl.us

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399. telephone (850)245-2288. E-mail: patricia.comer@dep.state.fl.us. or Ms. Kelly Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, telephone (850)717-9017, E-mail kelly.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.400 Prevention of Significant Deterioration (PSD).

The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.

(1) through (2) No change.

(3) Exemptions.

(a) No change.

(b) The requirements of subsections 62-212.400(4) through (12), F.A.C., shall not apply to a major stationary source or major modification if the source or modification would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

1. through 19. No change.

20. Chemical process plants (the term “chemical process plants” shall not include ethanol production facilities that produce ethanol by natural fermentation included in North American Industry Classification System (NAICS) codes 325193 or 312140);

21. through 27. No change.
(c) through (e) No change.
(4) through (13) No change.

Rulemaking Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98, 8-15-99, 2-2-06, 7-16-07, 10-6-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Michael P. Halpin, P.E., Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2011

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.:	RULE TITLE:
64D-3.046	Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The sole purpose of this rule amendment is to revise DH 150-615, July 2010 (Immunization Guidelines, Florida Schools, Childcare Facilities and Family Daycare Homes) incorporated by reference to reflect an effective date of July 2011. The DH 150-615 changes include updates to the tetanus-diphtheria-acellular pertussis vaccination documentation requirements for entry and attendance in seventh grade and an update to the effective date for pneumococcal conjugate vaccination requirements for children age 2 to 59 months attending licensed childcare facilities and family daycare homes.

SUMMARY: Implementation of immunization recommendations of the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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:

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: 381.003, 381.005, 1003.22 FS.

LAW IMPLEMENTED: 381.005, 1003.22 FS.

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

DATE AND TIME: September 29, 2011, 10:00 a.m.

PLACE: 2585 Merchants Row Boulevard, Room 135Q, 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: Susan Lincicome, Program Administrator, susan_lincicome@doh.state.fl.us, (850)245-4444, Ext. 2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Lincicome, Program Administrator, susan_lincicome@doh.state.fl.us, (850)245-4444, Ext. 2381

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1) Immunization and Documentation Requirements for School Entry/Attendance:

(a) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2010), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs), or physicians' offices; or

2. DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be signed by the local county health department medical director or designee.

(b) Specific immunization requirements by grade which must be documented prior to admittance, attendance or any other initial entrance are detailed in the Immunization Guidelines-Florida Schools, Childcare Facilities and Family Daycare Homes DH Form 150-615 (July 2011) ~~(July 2010)~~, incorporated by reference, available online at: www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf.

1. Temporary or permanent medical exemption DH Form 680 must be signed by a practitioner licensed under Chapter 458 or 459, F.S., or their authorized representative. For temporary or permanent medical exemption the signing practitioner must possess medical records documenting the medical basis for each such exemption.

2. A DH Form 680 that does not include a temporary or permanent medical exemption must be signed by a practitioner licensed under Chapter 458, 459, 460, or 464, F.S.

3. Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 accessed directly by the school is considered certified in writing and signed by the Florida SHOTS private provider.

(2) Documentation Requirements for Schools:

(a) The original or a copy of a valid original of the form(s) required under this rule shall remain in the student's cumulative health record unless verified in Florida SHOTS.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (July 2010), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (July 2010), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(3) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (1) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(d) Children of military families as defined under Section 1000.36, F.S.

(4) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(5) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) (January 2007) or DH Form 1478S (Spanish) (September 2003) or DH Form 1478H (Haitian-Creole) (January 2006), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the children's immunization record via authorized access to Florida SHOTS.

(6) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(7) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of

Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Rulemaking Authority 381.0011(13), 381.003(1), (2), 381.005(3), ~~381.005(2)~~, 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History—New 11-20-06, Amended 7-15-07, 7-28-08, 12-29-10, _____.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charles Alexander, Bureau Chief, Charles_Alexander@doh.state.fl.us, (850)245-4331

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Frank Farmer, State Surgeon General, Frank_Farmer@doh.state.fl.us, (850)245-4321

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69B-221.155	Forms for Limited Surety (Bail Bond) Agents

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt four forms to be used by the bail bond industry to: (i) provide the sworn statements required by Section 648.34(2)(d), F.S.; (ii) provide the information required by Section 648.355(1), F.S., to qualify for a temporary bail bond license; (iii) permit an appointing entity to appoint a licensee to act for the appointing entity by providing the information required by Section 648.382, F.S.; and (iv) permit the appointing entity to terminate the appointment of a licensee as provided in Sections 648.383(1) and 648.384(1), F.S.

SUMMARY: The rule adopts four forms to be used by the bail bond industry.

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 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: 624.308(1), 648.26(1)(a) FS.

LAW IMPLEMENTED: 648.26(1)(a), 648.34, 648.355, 648.382, 648.383, 648.384, 648.39, 648.442(8) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 12, 2011, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

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: Ray Wenger at (850)413-5605 or Ray.Wenger@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ray Wenger, Financial Administrator, Bureau of Investigations, 200 E. Gaines Street, Tallahassee, FL 32399-0320, (850)413-5605 or Ray.Wenger@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-221.155 Forms for Limited Surety (Bail Bond) Agents.

The following forms for the bail bond industry are hereby incorporated by reference and available from the Division's website at <http://www.MyFloridaCFO.com/agents/Licensure/Forms/index.htm>:

(1) Form DFS-H2-1500, Limited Surety Agent, Professional Bail Bond Agent, Sworn Statement, (Eff. 6/11), which is used to comply with Section 648.34(2)(d), F.S., to provide the sworn statements attesting to the character of an applicant for a limited surety (bail bond) agent license.

(2) Form DFS-H2-1509, Temporary Bail Bond Agent, Mandatory Employment Verification, (Eff. 6/11), which is used by an applicant to qualify for a temporary bail bond license as required by Section 648.355(1)(e), F.S.

(3) Form DFS-H2-1544, Appointing Form, (Eff. 6/11), which permits an appointing entity of a limited surety (bail bond) agent to authorize a licensee to act for the appointing entity as provided in Section 648.382, F.S.

(4) Form DFS-H2-1544Term, Appointment Termination Form, (Eff. 4/11), which permits the appointing entity of a limited surety (bail bond) agent to terminate the appointment of a licensee and cancel that licensee's authority to act for the appointing entity as provided in Sections 648.383(1) and 648.384(1), F.S.

Rulemaking Authority 624.308(1), 648.26(1)(a) FS. Law Implemented 648.26(1)(a), 648.34, 648.355, 648.382, 648.383, 648.384, 648.39, 648.442(8) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Wenger, Financial Administrator, Bureau of
Investigations, 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 31, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 22, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.: RULE TITLES:

69L-5.205 Loss Data Reporting

69L-5.217 Civil Penalties and Fines

PURPOSE AND EFFECT: Rule 69L-5.205, F.A.C., is amended to clarify that former self-insurers must report loss data for the final period of authorization only once. The proposed amendments to Rule 69L-5.217, F.A.C., will reduce the penalties assessed against self-insurers for late filing of required forms, reports and documents and also recalculate penalties that were assessed against a self-insurer. If the self-insurer has already paid the penalty to the Department, the Department will refund the difference between the penalty paid and the new reduced penalty, unless the self-insurer owes any outstanding, unpaid penalties to the Department.

SUMMARY: Rule 69L-5.205, F.A.C., clarifies that former self-insurers must report loss data for the final period of authorization only once. Rule 69L-5.217, F.A.C., reduces the penalties assessed against self-insurers for late filing of required forms and reports.

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 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: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: October 14, 2011, 2:00 p.m.

PLACE: Room 102, Hartman Building, 2012 Capital Circle S.E., Tallahassee, FL

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: Pam Macon at (850)413-1708 or Pamela.Macon@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Macon, Chief, Bureau of Monitoring and Audit, Division of Workers' Compensation, 2012 Capital Circle S.E., Tallahassee, Florida 32399, (850)413-1708 or Pamela.Macon@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-5.205 Loss Data Reporting.

Current Self-Insurers and Former Self-Insurers shall submit loss data for all entities covered under the self-insurance authorization on Form DFS-F2-SI-17 (Unit Statistical Report), effective 08/09, as incorporated by reference, or the electronic equivalent provided by the Department. Copies of this form are available at the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-Insurance Section, 2012 Capital Circle, S.E., Hartman Building, Tallahassee, FL 32399-4224. Failure to submit the required loss data forms or material understatement or concealment of data shall constitute good cause for revocation of the self-insurance authorization in addition to civil penalties specified in Rule 69L-5.217, F.A.C.

(1) The Division or the Association shall, within at least ten (10) days prior to the evaluation date, notify in writing or email ~~advise~~ each self insurer of the covered periods for the submission of the loss data.

(2) No change.

(3) Former Self-Insurers shall continue to submit this report until the loss data for the final period of authorization has been reported ~~for three (3) years~~.

(4) through (7) No change.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New 3-9-10, Amended _____.

69L-5.217 Civil Penalties and Fines.

(1) Civil Penalties for Delinquent Reports – Failure to timely file legible and complete forms, reports or documents as required by Section 440.38(2)(b), F.S., or these rules, shall subject the party required to file such form, report, or document to assessment by the Department of a civil penalty. For purposes of this rule, a form, report or document is considered timely filed if postmarked on or before the due date

prescribed in this rule. Reports submitted by a Qualified Servicing Entity on behalf of the self-insurer shall be treated as if they were submitted by the self-insurer directly.

(a) Late filed forms, reports, and documents required pursuant to this rule shall be penalized as follows:

1. \$100 for filings 1 to 14 days late.
2. ~~\$500~~ ~~2,500~~ for filings 15 to 30 days late.
3. ~~\$1,000~~ ~~5,000~~ for filings 31 to 60 days late.

4. For periods greater than sixty (60) days, \$200 per day from the required filing date. Total penalties assessed under this section for a single late filed form, report, or document shall not exceed ~~\$10,000~~ ~~25,000~~.

(b) These civil penalties are to be applied per occurrence, per form, report, or document. Payment shall be made within fifteen (15) days after receipt of the notification and submitted along with the form, report, or document. Failure to submit the required forms, reports and documents constitutes good cause for revocation of the self-insurance authorization in addition to civil penalties specified in this rule.

(c) Any self-insurer that has been assessed penalties in excess of the amounts specified in paragraph (a) herein since March 9, 2010 until the effective date of this amended rule will have its penalty amount recalculated pursuant to paragraph (a). If the self-insurer has already paid penalties to the Department, the Department shall refund the difference between the penalties paid and those recalculated under paragraph (a) to the self-insurer, unless the self-insurer owes any outstanding, unpaid penalties to the Department. Any outstanding, unpaid penalties must be paid in full prior to any refund being issued by the Department.

(2) through (6) No change.

Rulemaking Authority 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS. Law Implemented 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS. History—New 3-9-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Macon, Chief, Bureau of Monitoring and Audit,
Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Jeff Atwater, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 31, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 15, 2011

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.0251

Use of Epinephrine Auto-Injectors.

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 33, August 19, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.:

RULE TITLE:

9N-1.001

State Building Code Adopted

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. 1, January 7, 2011 issue of the Florida Administrative Weekly.

The Florida Building Commission approved minimal changes to the reference document to address matters of consistency with statutory requirements and internal consistency of requirements relating to roof truss design within the High Velocity Hurricane Zone.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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. Based on the statutory exemption of the Code from the need for legislative ratification, it has been determined that legislative ratification is not required.

THE FULL TEXT OF THE PROPOSED RULE IS:

9N-1.001 State Building Code Adopted.

(1) The Florida Building Code, ~~2010~~ ~~2004~~ Edition, as updated by the Florida Building Commission on ~~July 1, 2005, and as amended by the Commission on December 11, 2005, December 8, 2006, May 21, 2007, and June 9, 2009,~~ incorporated herein by reference is hereby adopted as the building code for the State of Florida ~~until February 28, 2009.~~

~~(2) Effective March 1, 2009, the Florida Building Code, 2007 edition, as updated by the Florida Building Commission, and as approved by the Commission on August 21, 2007, and amended by the Commission on December 10, 2008, and June 9, 2009, incorporated herein by reference is hereby adopted as the building code for the State of Florida.~~