

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-2.003	Assessments; Collections
5H-2.004	Rate of Assessments; Exemptions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 29, July 22, 2011 issue of the Florida Administrative Weekly.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) based on past experiences with marketing order activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-5.001	Information for Weekly Report
5H-5.004	Tobacco Warehouses; Auction, Weighing and Handling Fees; Commission on Gross Sales

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 31, August 5, 2011 issue of the Florida Administrative Weekly.

If adopted, the proposed rule is not expected to require legislative rule ratification under Section 120.541(3), Florida Statutes (or any other statute) before becoming effective for the following reasons: 1) none of the requirements in Section 120.541(1), Florida Statutes, for preparing a Statement of Economic Regulatory Costs (SERC) were triggered and 2) the adverse impact or regulatory cost, if any, of repealing these rules does not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), Florida Statutes.

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

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly.

The notice of proposed rulemaking was not sufficient in its statement relating to legislative ratification and amends the statement as follows:

The agency has determined that the proposal is not expected to require legislative ratification. The rule is not expected to create any new fees or other associated transactional costs. Based on the agency's experience with adopting rules on this subject, the rule amendment is expected to have a minimal economic impact.

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly has been withdrawn.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29C-9.001	Strategic Regional Policy Plan

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The following statement of legislative ratification was omitted and should be added to the Notice:

Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with the North Central Florida Strategic Regional Policy Plan and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-9.250
 RULE TITLE: Firearms and Similar Equipment
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

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: Following the regularly scheduled Governing Board Meeting beginning following the regulatory committee meeting scheduled to begin at 10:00 a.m., November 8, 2011

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-1.002
 RULE TITLE: Delegation of Authority
 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. 38, September 23, 2011 issue of the Florida Administrative Weekly.

Changes are made to include a statement describing how an affected person may obtain a copy of the incorporated material. The rule changes are as follows:

- 40D-1.002 Delegation of Authority.
 - (1) through (2) No change.
 - (3) The Governing Board hereby incorporates by reference the following documents, copies of which may be obtained from the District's website at www.WaterMatters.org/permits/well construction or from the Southwest Florida Water Management District, Document Services Section, 2379 Broad Street, Brooksville, Florida 34604-6899.

(a) through (c) No change.

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, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NO.: 61B-24.003
 RULE TITLE: Rental Agreement Extensions
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The following statement of legislative ratification was omitted and should be added to the Notice:

The agency has determined that the proposed rule repeal will not require legislative ratification pursuant to Section 120.541(3), F.S., as the repeal will not directly or indirectly increase regulatory costs based upon a preliminary economic review of the rule.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850) 488-1631.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.007
 RULE TITLE: Fees; Certificates of Competency, Renewal
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 38, September 23, 2011 issue of the Florida Administrative Weekly.

The following language is inserted in the Summary of Statement of Estimated Regulatory Costs:

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: the economic review conducted by the agency.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.002
 RULE TITLE: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name
 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. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly.

The changes are as follows:

(2) Licensees experiencing a change in status listed below in the left column shall file or do what is listed in the corresponding right column as follows. All forms listed below are incorporated by reference and available from the Board

Office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from the website at <http://www.myflorida.com/dbpr/pro/emplo/forms.html>.

CHANGE IN STATUS

NEEDED ACTION BY COMPANY, GROUP, OR CONTROLLING PERSON

(a) through (c) No change.

~~(d) Sale or transfer of company stock which causes a change in controlling person(s) or other changes in the information contained in the original application~~

~~Controlling Person, effective 03-18-04 and DBPR EL 4511, entitled Application for Certificate of Approval for Change of Ownership, effective 03-18-04, where applicable. The above forms are incorporated by reference and available from the Board office or from the website at www.myflorida.com. <http://www.myflorida.com/dbpr/pro/emplo/forms.html>~~
Form DBPR Change of Ownership application EL 4511, "Application for Certificate of Approval for Change of Ownership," effective May, 2011, which causes a change in control and where applicable, controlling person license application for each new controlling person, Form DBPR EL 4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective May, 2011 and Historical Sketch form, Form DBPR EL 4512, "Historical Sketch," effective May, 2011, where applicable. www.myflorida.com.

~~(d)(e) Sale or transfer of company stock which causes a change in control~~

~~Form DBPR EL 4511, "Application for Certificate of Approval for Change of Ownership," effective May, 2011, EL 4511, new company application if buyer not already licensed, and fee from buyer old license does not transfer but remains with seller; unless already licensed, new controlling person license application and fee for each new controlling person.~~

~~(e)(f) Sale or transfer of a majority of Florida business assets~~

~~(f)(g) No change.~~

~~(g)(h) No change.~~

~~(h)(i) Controlling person resigns from Company A and is employed by Company B as controlling person~~

~~notification to Board from Company A and controlling person; notification to Board from Company B regarding new controlling person no new application or fee needed from controlling person license goes with controlling person; \$5 transfer fee from controlling person.~~

~~(3) The notification required in subsection (1) shall be submitted to the executive director by certified mail within 14 days of a change in a licensee's status. Within 30 days of a change in its status, the licensee, or other entity resulting from such change or both, shall submit new applications, new financial or other information, and new or additional fees to the Board's office as needed to comply with Part XI of Chapter 468, F.S., and the rules of this Board, by any form of mail that provides the sender with delivery confirmation.~~

(8) In the event of a change in ownership pursuant to paragraph (2)(d), (2)(e), or (2)(f) above, the new owner or owners must demonstrate that workers compensation coverage is in effect during the change of ownership and at all time subsequent thereto for the employees of the acquired entity by providing a certificate of coverage from an insurance carrier that is admitted in the State of Florida naming the new owner or owners as the insurer.

(4) through (5) No change.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-3255.

~~(6) In the event of a change in status of controlling person pursuant to paragraph (2)(h) or (i), as outlined above, the controlling person and all employee leasing companies involved the company to which the controlling person has moved shall submit notifications to the Board of the acceptance of the controlling person's transfer, along with a \$25 fee for the change of company name on the individual's license.~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-5.002
 RULE TITLE: Disciplinary Guidelines

(7) No change.

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 40, October 8, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:
64B2-14.001 Trust Accounting Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-4.014 Inactive Status; Reactivation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 28, July 15, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-8.001 The Probable Cause Panel

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 27, July 8, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-14.002 Disciplinary Guidelines

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. 36, September 9, 2011 issue of the Florida Administrative Weekly.

64B18-14.002 shall read as:

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification published in the Notice of Proposed Rule shall read as:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

Subsection (2)(yy) shall be changed to read as follows: Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud, the Board shall impose a penalty ranging from suspension to revocation and a fine of \$10,000, per count.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32314-3256

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER11-52 Instant Game Number 1123,
WINTER BUCKS

SUMMARY: This emergency rule describes Instant Game Number 1123, "WINTER BUCKS," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: