

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-1.003 Definition of Terms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly. The originator of this rule was Sam Ferguson, Executive Director, Commission on Independent Education and was approved by the Commission on Independent Education on September 21, 2011.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
6E-2.004 Standards and Procedures for
Licensure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly. The originator of this rule was Sam Ferguson, Executive Director, Commission on Independent Education and was approved by the Commission on Independent Education on September 21, 2011.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: RULE TITLES:
6E-4.001 Fees and Expenses
6E-4.005 Student Protection Fund; Trainout
Procedures for Closure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly. The originator of these rules was Sam Ferguson, Executive Director, Commission on Independent Education and was approved by the Commission on Independent Education on September 21, 2011.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: RULE TITLES:
12B-5.050 Terminal Suppliers
12B-5.150 Public Use Forms

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. 39, September 30, 2011 issue of the Florida Administrative Weekly.

Paragraph (b) of subsection (6) of Rule 12B-5.050, F.A.C., has been changed so that, when adopted, that paragraph will read:

(6) REFUNDS AND CREDITS.

(b) Motor and Diesel Fuel Used for Agricultural Purposes.

1. Sales by terminal suppliers of taxable motor diesel fuel to persons for agricultural uses as provided in Section 206.63, F.S. Rule 12B-5.020, F.A.C., are subject to a refund pursuant to Section 206.64, F.S., and Rule 12B-5.130, F.A.C., of exempt from the municipal fuel tax, the local option fuel tax, the state comprehensive transportation system tax, and the fuel sales tax imposed by Sections 206.41(1)(c), (e), (f), and (g), F.S.

2. A terminal supplier must accrue tax on all sales of taxable diesel fuel. A terminal supplier may sell taxable diesel fuel exempt for agricultural purposes, but must accrue all taxes imposed under Section 206.87, F.S. To obtain an ultimate vendor credit for the tax accrued, terminal suppliers must complete Schedule 12, Ultimate Vendor Credits. Schedule 12 is required to be filed with the Terminal Supplier Tax Return, as indicated on the return.

The title of the discretionary sales surtax rate table on Page 5 of Form DR-309639 and on Page 4 of Form DR-309640 (incorporated by reference in subsections (37) and (38) of Rule 12B-5.150, F.A.C.), and the statement below the table have been changed so that, when adopted, that title and that statement will read:

Discretionary Sales Surtax Rates for 2012

Each county that has a surtax levy that is new, revised, or extended is indicated in bold.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NOS.: RULE TITLES:
12C-1.003 Definitions
12C-1.051 Forms
12C-1.343 Interest Computations

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. 39, September 30, 2011 issue of the Florida Administrative Weekly.

In response to comments received from the Joint Administrative Procedures Committee, dated November 3, 2011, the following changes have been made.

The second sentence in the second paragraph of "III-A Line 3. Sales Factor" on Page 11, Form F-1120N, Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2011 (incorporated by reference in renumbered paragraph (5)(b) of

Rule 12C-1.051, F.A.C.), and the second sentence in the second paragraph of "III-A, Line 3. Sales" on Page 3, Form F-1065N, Instructions for Preparing Form F-1065 Florida Partnership Information Return (incorporated by reference in renumbered paragraph (3)(b) of Rule 12C-1.051, F.A.C.), has been changed so that, when adopted, that sentence will read:

The term "sales" is not limited to tangible personal property, and includes:

Paragraph (b) of renumbered subsection (2) of Rule 12C-1.343, F.A.C., has been changed so that, when adopted, that paragraph will read:

~~(b) The term "written notice" is defined in subsection Subsection 12C-1.003(6), F.A.C., defines "written notice" as an original return, an amended return, or a final determination of an audit liability.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.226 RULE TITLE: Youthful Offender Program Participation

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. 35, September 2, 2011 issue of the Florida Administrative Weekly.

- (1) through (4) No change.
- (5) Advancement to Phase III.

~~(a) The Bureau of Classification and Central Records or designee will review inmates and determine if they meet the criteria for recommendation for modification of sentence. Review will include consideration of the potential rehabilitative benefits that may be achieved through the inmate's participation in Phase III. No inmate has a right to recommendation for modification of sentence. Institutional classification staff is authorized to notify the Bureau of Classification and Central Records or designee of an inmate who meets the criteria for advancement to Phase III as set forth in this rule. The sentencing court shall be notified in writing by the Bureau of Classification and Central Records or designee requesting approval for the inmate to participate in the extended day program such that modification of sentence may be achieved. The state attorney shall, at the same time, be notified that the department is seeking such approval from the court.~~

1. If the sentencing court approves the department's request that the inmate participate in the extended day program such that a potential recommendation for modification of sentence may be achieved per subsection (6) of this rule, the Bureau of Classification and Central Records or designee will note on the record that the sentencing court has approved this possibility. Institutional classification staff will notify the inmate of the court's response. The 180 day period described in subparagraph (6)(a)1. below commences upon placement.

~~2. If the sentencing court disapproves of the inmate's participation in the extended day program such that the inmate may achieve modification of sentence, the inmate shall complete incarceration pursuant to the terms of the commitment order. The Bureau of Classification and Central Records or designee will note on the record that the sentencing court has denied the inmate the possibility of sentence modification. Institutional classification staff will notify the inmate of the court's response.~~

~~(b) If not previously identified by the department and approved for participation by the sentencing court, a Phase II inmate wishing to participate in Phase III must apply for advancement using Form DC6-188, Inmate Promotional Request, and an evaluation by the ICT will be conducted to determine whether the inmate is eligible for advancement to Phase III. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is September 2011.~~

~~(b) If approved by the ICT for advancement, the inmate shall be eligible for recommendation for modification of sentence pursuant to section (6) of this rule. No inmate has a right to recommendation for modification of sentence. Institutional classification staff are authorized to notify the Bureau of Classification and Central Records or designee of an inmate who meets the criteria for recommendation for modification of sentence will review the inmate for eligibility for a potential recommendation for modification of sentence under subsection (6) of this rule. If not deemed eligible, the inmate shall remain in Phase III, subject to the provisions of subsection (4) of this rule, completing incarceration pursuant to the terms of the commitment order. Form DC6-188 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.~~

(6) Recommendations for Modification of Sentence.

(a) The following will result in an evaluation by the Bureau of Classification and Central Records or designee of the inmate's eligibility for recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S.:

1. ~~Successful Potential for successful~~ participation in all phases of the youthful offender extended day program, to include participation in Phase III of the extended day program for a minimum of 180 consecutive days; and

2. No change.

(b) Successful participation in the extended day program is defined as:

1. Satisfactory gain time ratings in Phase III for a minimum of 180 days; ~~Those days for which the youthful offender does not participate satisfactorily shall be repeated.~~

Any break in service of these days for reasons not in the inmate's control will be considered when determining days to be repeated.

2. through 4. No change.

(c) No change.

(d) One or more of the following will render the inmate ineligible for recommendation of a sentence modification to the court:

1. through 4. No change.

5. Sentenced as a habitual offender pursuant to Section 775.084, F.S.; or

6. Currently serving mandatory portion of a sentence pursuant to Section 775.082, F.S.; or

7. The inmate has previously been granted modification of sentence under the provisions of this rule.

(7) Extended Day Program Assessment. Each inmate shall be required to participate in Phase III in a satisfactory manner for a minimum of 180 consecutive days in order to successfully complete the program.

(a) The review board shall continually assess the inmate's participation in the program and recommend status assignments. Should an inmate fail to successfully perform as set forth in subparagraphs (6)(b)2. through 4. of this rule at any time during Phase III, days served successfully previous to the unsuccessful performance will not be counted toward the minimum 180 day successful participation requirement, which may include a recommendation to repeat days for which an overall unsatisfactory report was received.

(b) Inmates who have successfully participated for the required time period ~~but who are awaiting release by the sentencing court or other releasing authority~~ shall remain subject to the rules of the department and the extended day program. Failure to adhere to the administrative rules of the department shall these rules may be grounds for removal from consideration for recommendation for modification of sentence the program, withdrawal of the department's request to the court for modification of the inmate's sentence, or a request by the department to rescind modification of sentence. Form DC6-194, Order Rescinding Order Modifying Modification of Sentence, will be completed by the Bureau of Classification and Central Records or designee and provided to the court with the request to rescind modification of sentence. Form DC6-194 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(8) Removal from Consideration for Recommendation.

(a) An inmate shall can be removed from the program ~~for health reasons, expiration of sentence, or when such removal is in the best interest of the inmate or the security of the institution and in accordance with section 958.11, F.S.~~ However, if the inmate has completed the minimum requirements prior to removal, and such removal is not due to

the inmate's receipt of a disciplinary report or corrective consultation, the inmate shall still be considered for recommendation for modification of sentence.

(b) An inmate shall be removed from consideration for recommendation for modification of sentence for behavioral, performance, or disciplinary reasons ~~If removal is for behavioral or disciplinary reasons, the inmate will not be reconsidered for a recommendation for modification of sentence.~~

(9) Sentence Modification Process.

(a) Inmates who have satisfactorily participated in the extended day program and who meet the eligibility criteria in section (6) of this rule will be recommended for sentence modification.

(b) If eligible, institutional ~~Institutional~~ classification staff shall ~~notify the Bureau of Classification and Central Records or designee of those inmates expected to achieve successful participation and~~ forward a completed Form DC6-195, Defendant's Waiver of Rights in Modification of Sentence, to the Bureau of Classification and Central Records or designee no earlier than 60 days but no later than 45 days prior to the inmate's expected completion of the program. The waiver shall be forwarded no earlier than five days prior to the expected completion of the 180-day requirement. Form DC6-195 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of this form is September, 2011.

(c) The Bureau of Classification and Central Records or designee shall approve the ICT's recommendation, disapprove the recommendation, or refer the matter back to the ICT for additional information within 5 working days from receipt of the ICT's recommendation.

(d) If approved by the Bureau of Classification and Central Records or designee, a cover letter reporting that the inmate is participating satisfactorily in the program ~~and is expected to complete~~ will be sent to the community corrections intake office within the circuit of the sentencing court by the Bureau of Classification and Central Records or designee within 5 three 3 working days from approval of the ICT's recommendation the receipt of an e-mail or telephone call from the facility that the inmate is expected to complete the program.

(e) through (h) No change.

(i) If the sentence modification order is not received within 35 5 working days after the request is made inmate completes the program, the Bureau of Classification and Central Records or designee shall notify by email or by telephone the community corrections intake office that submitted the sentence modification packet to the court. The community corrections intake office staff shall contact the sentencing judge to determine the status of the request for sentence modification. Community corrections intake staff shall notify the Bureau of

Classification and Central Records or designee of the status of the request for sentence modification. If the community corrections intake office staff member obtains the approved DC6-193, the staff member shall forward the form to the Bureau of Admission and Release, and the processes enumerated in paragraphs (9)(g) through (9)(h) of this rule shall be followed.

(j) If the sentencing court disapproves the sentencing modification, the community corrections intake office shall notify the Bureau of Classification and Central Records or designee. The Bureau of Classification and Central Records or designee shall notify the ICT at the institution housing the inmate. ~~The ICT shall notify the inmate of the court's denial, and the provisions of paragraph (9)(k) of this rule shall be followed.~~

~~(k) If modification of sentence is denied by the sentencing court, the Bureau of Classification and Central Records or designee will approve transfer of the inmate to an appropriate facility. If the inmate is recommended for work release, the SCO will review the recommendation pursuant to the criteria set forth in Rule 33-601.602, F.A.C., and approve if appropriate. The ICT shall notify the inmate of the court's denial.~~

(10) No change.

Rulemaking Specific Authority 944.09, 958.04, 958.11 FS. Law Implemented 944.09, ~~958.04~~, 958.11, 958.12 FS. History—New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03, 9-16-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-26.001	Purpose and Intent
59A-26.002	Definitions
59A-26.003	License Required
59A-26.004	Classification of Deficiencies
59A-26.005	Licensure Procedure, Fees and Exemptions
59A-26.006	Responsibilities for Operation
59A-26.007	Fiscal Standards
59A-26.0075	Fiscal Prohibitions, Kickbacks and Referrals
59A-26.008	Admission Policies and Requirements
59A-26.009	Personnel Standards
59A-26.010	Training, Habilitation, Active Treatment Professional, and Special Programs and Services
59A-26.011	Dietary Services
59A-26.012	Dental Services
59A-26.013	Psychological Services
59A-26.014	Drugs and Pharmaceutical Services
59A-26.015	Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants

59A-26.016	Requirements for Administration of Medication to Residents by Unlicensed Medication
59A-26.017	Training and Validation Required for Unlicensed Medication Assistants
59A-26.018	Plant Maintenance and Housekeeping
59A-26.019	Fire Protection, Life Safety, Systems Failure and External Emergency Communication
59A-26.020	Plans Submission and Fees Required
59A-26.021	Physical Plant Codes and Standards for ICF/DD
59A-26.022	Construction and Physical Environment Standards
59A-26.023	Disaster Preparedness

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 29, July 24, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-2.008	Pre-meet Report Required
61D-2.018	Pooling of Prize Money in Jai Alai Prohibited
61D-2.019	Starting Time Notice Requirement

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule repeals are not expected to require legislative ratification based on the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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.

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

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLES
61D-6.010 Human Drug Testing. Urine testing for controlled substances

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the

proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

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

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(2)(a), F.S.

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.

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

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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule repeals are not expected to require legislative ratification based on the information expressly relied upon and described herein: the Division of Pari-Mutuel Wagering conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.003
 RULE TITLE: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 2, 2011. The correction is as follows:

The website address where the Federal Information Processing Standard Publication 180-3 "Secure Hash Standard" can be located is corrected to read as: http://csrc.nist.gov/publications/fips/fips180-3/fips180-3_final.pdf.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-29.001
 RULE TITLE: Certification Definition, Procedures, Prohibitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 2, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: 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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-788.100	Applicability and Limitations
62-788.150	Referenced Guidelines
62-788.200	Definitions
62-788.300	Application Process
62-788.310	Affordable Housing VCTC Application Process
62-788.320	Solid Waste VCTC Application Process
62-788.330	Solid Waste Removal Voluntary Cleanup Tax Credit Application Process
62-788.400	Eligibility Determination
62-788.900	Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-7.002
 RULE TITLE: 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. 35, September 2, 2011 issue of the Florida Administrative Weekly.

64B-7.002 Disciplinary Guidelines.

(1) In imposing discipline on a pain-management clinic, its owner, designated physician or other persons as particularly indicated in paragraphs (2)(a) through (hh), the department shall act in accordance with these disciplinary guidelines and shall impose a penalty within the range corresponding to the severity and repetition of the violations unless the department finds it necessary to deviate from the guidelines in accordance with this rule. Any and all offenses listed are sufficient grounds for the initial refusal of registration to an applicant. The department shall recover the costs of the investigation and prosecution of the case as well as imposing the appropriate penalty. In addition to any other penalty, if the violation includes proof of intentional fraud or fraudulent misrepresentation, the department shall impose a penalty of \$10,000 per count or offense. When the penalty is suspension, the period of suspension for the registration of the clinic shall not exceed one year.

(2) Violations and Range of Penalties:

(a) through (k) No change.

~~(l) A physician who has failed to timely notify the department of the theft of prescription blanks from a pain management clinic or a breach of other methods for prescribing within 24 hours as required by s. 458.3265(2) or 459.0137(2). (Sections 458.331(1)(pp), 459.015(1)(rr), F.S.). First offense, a fine of up to \$5,000 and from one year of probation to one year suspension or revocation. For a subsequent offense, a fine of up to \$5,000 and one year suspension or revocation.~~

(m) through (ii) renumbered (l) through (hh) No change.

(3) through (5) No change.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.012 RULE TITLE: Acupoint Injection Therapies
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule development as noticed in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.010 RULE TITLE: 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. 36, No. 46, November 19, 2010 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). When changed, the following subsections shall read as follows:

1. Subparagraphs (2)(a) 2., 3., and 4.:

	First Offense	Subsequent Offense
2. Attempting to renew a license by bribery or fraud.	2. Revocation of the license and payment of a \$10,000 fine.	
3. Obtaining or renewing a license by bribery or fraud.	3. Revocation of the license and payment of a \$10,000 fine.	
4. Obtaining or renewing a license through error of the Department of the Board.	4. Revocation.	

2. Subparagraphs (2)(b) 1. and 2.:

1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

3. Paragraph (2)(c):

(c) Guilty of crime directly relating to practice or ability to practice. (Section 456.072(1)(c), F.S.); (Section 458.331(1)(c), F.S.)	(c) From reprimand to revocation or denial of license, and an administrative fine of \$1,000.00 to \$5,000.00.	(c) From probation to revocation or denial of the license, and an administrative fine of \$2,500.00 to \$5,000.00.
1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation, and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	

2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.

2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.

2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

4. In paragraphs (2)(d), (e), (f), and (g), the language regarding community service shall be deleted from the rule.

5. The citations in subparagraph (g)1., shall read as follows: (Section 456.013(7), F.S.); (Section 456.033, F.S.); (Section 456.072(1)(e), F.S.); (Section 456.072(1)(s), F.S.)

6. Subparagraphs (2)(h)1. and 2.:

1. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

7. In paragraph (2)(i), the language regarding community service shall be deleted from the rule.

8. Paragraph (2)(j):

(j) Sexual misconduct. (Section 456.072 (1)(v), F.S.); (Section 458.329, F.S.); (Section 458.331(1)(j), F.S.)	(j) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(j) From suspension, to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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9. Paragraphs (2)(k), (l), and (m):

(k) Deceptive, untrue, or fraudulent representations in the practice of medicine. (Sections 456.072(1)(a), (m), F.S.); (Section 458.331(1)(k), F.S.)	(k) From a letter of concern to revocation, or denial of licensure, and an administrative fine of \$10,000.00.	(k) From probation or denial of licensure, and an administrative fine of \$10,000.00 to revocation.
1. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.
(l) Improper solicitation of patients. (Section 458.331(1)(l), F.S.)	(l) From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand to probation, or denial of licensure.	(l) From suspension, to be followed by a period of probation, to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
(m) Failure to keep legible written medical records. (Section 458.331(1)(m), F.S.)	(m) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(m) From a reprimand to suspension followed by probation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.
1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	

2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. An administrative fine of \$10,000.00, and a reprimand to suspension of the license, or in the case of application for licensure, denial of licensure.	2. An administrative fine of \$10,000.00, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.
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12. In paragraphs (2)(n), (o), (p), and (q), the language regarding community service shall be deleted from the rule.

13. Paragraph (2)(r):

(r) Performing of experimental treatment without informed consent. (Section 458.331(1)(u), F.S.)	(r) From a letter of concern to suspension, to be followed by a period of probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(r) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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14. In paragraph (2)(t), the language regarding community service shall be deleted from the rule.

15. Subparagraph (2)(u)2.:

2. Violation of an order of the Board.	2. From a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00.	2. From a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00 and probation.
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16. In paragraph (2)(v), the language regarding community service shall be deleted from the rule.

17. Paragraph (2)(w):

(w) Aiding an unlawful abortion. (Section 458.331(1)(z), F.S.)	(w) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(w) From suspension, to be followed by a period of probation, to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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18. In paragraph (2)(x), the language regarding community service shall be deleted from the rule.

19. Paragraphs (2)(y) and (z):

(y) Improper use of substances for muscle building or enhancement of athletic performance. (Section 458.331(1)(ee), F.S.)	(y) From a reprimand to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(y) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
(z) Use of amygdaline (laetrile). (Section 458.331(1)(ff), F.S.)	(z) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.	(z) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

20. In paragraphs (2)(aa), (bb), and (cc), the language regarding community service shall be deleted from the rule.

21. Paragraph (2)(ee):

(ee) Theft or reproduction of an examination. (Section 456.018, F.S.)	(ee) Revocation or denial of licensure.	
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22. Subsections (2)(kk) and (ll):

(kk) Performing health care services on the wrong patient, wrong site, wrong procedure. (Section 456.072(1)(bb), F.S.)	(kk) From a letter of concern, a minimum of five (5) hours of risk management education, and one (1) hour lecture on wrong-site surgery in the State of Florida, and a \$1,000 fine to a \$2,500.00 fine to a reprimand and probation and an administrative fine ranging from \$1,000.00 to \$2,500.00.	(kk) From a reprimand and probation to revocation and an administrative fine from \$2,500.00 to \$5,000.00.
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(II) Leaving a foreign body in a patient. (Section 456.072(1)(cc), F.S.)	(II) From a \$1,000.00 to a \$5,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation.	(II) From a \$7,500.00 fine, a reprimand and probation, or denial to revocation.
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23. Paragraph (2)(oo):

(oo) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients. (456.072(1)(gg), F.S.)	(oo) From reprimand to probation, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.	(oo) From probation, to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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24. The citations to Sections 459.005 and 459.023, F.S., shall be deleted from the Rulemaking Authority and Law Implemented.

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

DEPARTMENT OF HEALTH

Board of Nursing

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

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. 41, October 14, 2011 issue of the Florida Administrative Weekly.

The change is due to concerns by the Joint Administrative Committee in their letter dated October 31, 2011. The change is as follows:

Subsection (2) shall now read as follows:

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapters 464 and 456, F.S. The purpose of the disciplinary guidelines is to give notice to licensees and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters

464 and 456, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 464 and 456, F.S., or the rules promulgated thereto, or other unrelated violations will be grounds for enhancement of penalties. All penalties set forth in the guidelines include lesser penalties, i.e., reprimand and or course-work which may be included in the final penalty at the Board's discretion. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

Rulemaking Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.010
 RULE TITLE: 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. 36, No. 46, November 19, 2010 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). When changed, the following subsections shall read as follows:

1. Subparagraphs (2)(a) 2., 3., and 4.:

First Offense	Subsequent Offenses	
2. Attempting to renew a license by bribery or fraud.	2. Revocation of the license and payment of a \$10,000 fine.	
3. Obtaining or renewing a license by bribery or fraud.	3. Revocation of the license and payment of a \$10,000 fine.	
4. Obtaining or renewing a license through error of the Department of the Board.	4. Revocation.	

2. Subparagraphs (2)(b)1. and 2.:

1. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Action taken against license by another jurisdiction relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

3. Paragraph (2)(c):

(c) Guilty of crime directly relating to practice or ability to practice. (Section 456.072(1)(c), F.S.); (Section 459.015(1)(c), F.S.)	(c) From reprimand to revocation or denial of license, and an administrative fine of \$1,000.00 to \$5,000.00.	(c) From probation to revocation or denial of the license, and an administrative fine of \$2,500.00 to \$5,000.00.
1. Involving a crime directly related to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation, and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Involving a crime directly related to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in case of application for licensure, denial of licensure.

4. In paragraphs (2)(d), (e), (f), and (g), the language regarding community service shall be deleted from the rule.

5. The citations in subparagraph (g)1., shall read as follows: (Section 456.013(7), F.S.); (Section 456.033, F.S.); (Section 456.072(1)(e), F.S.); (Section 456.072(1)(s), F.S.)

6. Subparagraphs (2)(h)1. and 2.:

1. Involving healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Involving healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

7. In paragraph (2)(i), the language regarding community service shall be deleted from the rule.

8. Paragraph (2)(j):

(j) Sexual misconduct. (Section 450.0141, F.S.); (Section 456.072(1)(v), F.S.); (Section 459.015(1)(l), F.S.)	(j) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(j) From suspension, to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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9. Paragraphs (2)(k), (l), and (m):

(k) Deceptive, untrue, or fraudulent representations in the practice of medicine. (Sections 456.072(1)(a), (m), F.S.); (Section 459.015(1)(m), F.S.)	(k) From a letter of concern to revocation, or denial of licensure, and an administrative fine of \$10,000.00.	(k) From probation or denial of licensure, and an administrative fine of \$10,000.00 to revocation.
1. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative of \$10,000, or in the case of application for licensure, denial of licensure.	

2. Deceptive, untrue, or fraudulent representations in the practice of medicine relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. From an administrative fine of \$10,000.00 and a reprimand through suspension of the license, or in the case of application for licensure, denial of licensure.	2. From an administrative fine of \$10,000.00 and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.
(l) Improper solicitation of patients. (Section 459.015(1)(n), F.S.)	(l) From an administrative fine ranging from \$1,000.00 to \$5,000.00, and a reprimand to probation, or denial of licensure.	(l) From suspension, to be followed by a period of probation, to revocation or denial of licensure, and an administrative fine from \$2,500.00 to \$5,000.00.
(m) Failure to keep legible written medical records. (Section 459.015(1)(o), F.S.)	(m) From a letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(m) From a reprimand to suspension followed by probation and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.
1. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts in excess of \$5,000.00.	1. Revocation and an administrative fine of \$10,000, or in the case of application for licensure, denial of licensure.	
2. Failure to keep legible written medical records relating to healthcare fraud in dollar amounts of \$5,000.00 or less.	2. An administrative fine of \$10,000.00, and a reprimand to suspension of the license, or in the case of application for licensure, denial of licensure.	2. An administrative fine of \$10,000.00, and suspension of the license, followed by a period of probation to revocation, or in the case of application for licensure, denial of licensure.

12. In paragraphs (2)(n), (o), (p), and (q), the language regarding community service shall be deleted from the rule.

13. Paragraph (2)(r):

(r) Performing of experimental treatment without informed consent. (Section 459.015(1)(y), F.S.)	(r) From a letter of concern to suspension, to be followed by a period of probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(r) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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14. In paragraph (2)(t), the language regarding community service shall be deleted from the rule.

15. Subparagraph (2)(u)2.:

2. Violation of an order of the Board.	2. From a reprimand and an administrative fine of \$1,000.00 to a reprimand and an administrative fine of \$5,000.00.	2. From a reprimand and an administrative fine of \$2,500.00 to a reprimand and an administrative fine of \$5,000.00 and probation.
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16. In paragraph (2)(v), the language regarding community service shall be deleted from the rule.

17. Paragraph (2)(w):

(w) Aiding an unlawful abortion. (Section 459.015(1)(dd), F.S.)	(w) From probation to revocation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(w) From suspension, to be followed by a period of probation, to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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18. In paragraph (2)(x), the language regarding community service shall be deleted from the rule.

19. Paragraphs (2)(y) and (z):

(y) Improper use of substances for muscle building or enhancement of athletic performance. (Section 459.015(1)(ii), F.S.)	(y) From a reprimand to suspension, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00.	(y) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
(z) Use of amygdaline (laetrile). (Section 458.331(1)(ff), F.S.)	(z) From a reprimand to probation, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00.	(z) From suspension to be followed by a period of probation to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.

20. In paragraphs (2)(aa), (bb), and (cc), the language regarding community service shall be deleted from the rule.

21. Paragraph (2)(ee):

(ee) Theft or reproduction of an examination. (Section 456.018, F.S.)	(ee) Revocation or denial of licensure.	
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22. Paragraphs (2)(kk) and (ll):

(kk) Performing health care services on the wrong patient, wrong site, wrong procedure. (Section 456.072(1)(bb), F.S.)	(kk) From a letter of concern, a minimum of five (5) hours of risk management education, and one (1) hour lecture on wrong-site surgery in the State of Florida, and a \$1,000 fine to a \$2,500.00 fine to a reprimand and probation and an administrative fine ranging from \$1,000.00 to \$2,500.00.	(kk) From a reprimand and probation to revocation and an administrative fine from \$2,500.00 to \$5,000.00.
(ll) Leaving a foreign body in a patient. (Section 456.072(1)(cc), F.S.)	(ll) From a \$1,000.00 to a \$5,000.00 fine, a letter of concern, a minimum of five (5) hours of risk management education, and a one hour lecture to the staff of a Florida licensed healthcare facility on retained foreign body objects to revocation.	(ll) From a \$7,500.00 fine, a reprimand and probation, or denial to revocation.

23. paragraph (2)(oo):

(oo) Engaging in a pattern of practice when prescribing medicinal drugs or controlled substances which demonstrates a lack of reasonable skill or safety to patients. (456.072(1)(gg), F.S.)	(oo) From reprimand to probation, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or denial of licensure.	(oo) From probation, to revocation or denial of licensure, and an administrative fine ranging from \$2,500.00 to \$5,000.00.
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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-3.007
 RULE TITLE: Active Status License Fee
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 51, December 23, 2010 issue of the Florida Administrative Weekly has been withdrawn

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.003
 RULE TITLE: Requirements for Continuing Education
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 27, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion 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. 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. These rule amendments will not require ratification by the Legislature.

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE NO.: 64B33-2.005
 RULE TITLE: Requirements for Reactivation of an Inactive License
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated October 27, 2011. The correction is as follows:

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion 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. 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. These rule amendments will not require ratification by the Legislature.

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.

Law Implemented will be corrected to add section 468.711, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

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

NOTICE OF CORRECTION AND NOTICE OF CHANGE

Notice is hereby given that the following correction has been made to the above referenced rule in Vol. 37, No. 37, September 16, 2011 issue of the Florida Administrative Weekly. The following is added to the end of the 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: The proposed rule will not require legislative ratification based on the following information. The proposed rule adopts four forms to be used by the bail bond industry to provide information required by Sections 648.34(2)(d), 648.355(1), 648.382, 648.383(1), and 648.384(1), F.S., as part of the licensing process. The adoption of this rule and forms will allow the submission of this required information to be uniform and allow the Department to process the information more efficiently than information that is received in a non-standard format. Based upon the economic analysis conducted by the Department and past experiences with rules of this nature, there will be no adverse effect on

small businesses, economic growth, private-sector job creation, employment or investment in excess of the threshold requiring legislative ratification. There will also be no increase in regulatory costs in excess of the threshold requiring legislative ratification.

Notice is also given that the Department has made changes to Form DFS-H2-1500, Limited Surety Agent, Professional Bail Bond Agent, Sworn Statement, and Form DFS-H2-1544, Appointing Form, to address comments by the Joint Administrative Procedures Committee. The changes added written declarations pursuant to Section 92.525, F.S., corrected typographical errors, and clarified a question on the form. Copies of the revised forms can be obtained by contacting Ray Wenger at Ray.Wenger@MyFloridaCFO.com.

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER11-62
 RULE TITLE: Replacement of Obsolete Emergency Rules

SUMMARY: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

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:

53ER11-62 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games and promotions are being replaced because the games and promotions have concluded and the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER09-9, 53ER09-17, 53ER10-09, 53ER10-22, 53ER10-24, 53ER10-29, 53ER10-30, 53ER10-33, 53ER10-34, 53ER10-35, 53ER10-36, 53ER10-38, 53ER10-41, 53ER10-42, 53ER10-43, 53ER10-61, F.A.C.

Rulemaking Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 11-10-11. Replaces 53ER09-9, 53ER09-17, 53ER10-09, 53ER10-22, 53ER10-24, 53ER10-29, 53ER10-30, 53ER10-33, 53ER10-34, 53ER10-35, 53ER10-36, 53ER10-38, 53ER10-41, 53ER10-42, 53ER10-43, 53ER10-61, F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 10, 2011