it with the new revised statutory provision. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on January 6, 2011.

SUBJECT AREA TO BE ADDRESSED: In-charge professional at direct disposal establishments.

RULEMAKING AUTHORITY: 497.103(5), 497.466(8)(a) FS.

LAW IMPLEMENTED: 497.466(8)(d), 497.166(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 3, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison 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 48 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-100.028	Application for Embalmer License

PURPOSE AND EFFECT: This rulemaking action specifies procedures and requirements to apply for an embalmer license. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on December 2, 2010.

SUBJECT AREA TO BE ADDRESSED: Procedures to apply for an embalmer license.

RULEMAKING AUTHORITY: 497.103(1)(a), (c), (5), 497.141, 497.144(3) FS.

LAW IMPLEMENTED: 497.368, 497.369 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 3, 2012, 11:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, 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 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire.

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

Section II
Proposed Rules

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1020	Definitions
40B-4.3030	Conditions for Issuance of Works of the District Development Permits

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt a definition for the term “clearing” and remove confusing language to be consistent with recently adopted language, which will allow for better comprehension of the rules within part III of this chapter by the public and District staff.

SUMMARY: This proposed rule will provide a definition for clearing and remove confusing language, with respect to works of the district permits and environmental resource permits.

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 statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There is neither a cost nor an exemption from cost associated with these rules. The clarification of language and new definition will allow for better public and District understanding of what is regulated by the District and should thereby reduce cost to the public.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.019, 373.084, 373.085, 373.086, 373.403 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 RULES IS: Robin Lamm, Business Resource Specialist, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-4.1020 Definitions.

(1) No change.

(2) "Clearing" means removal of either vegetation or structures for any purpose other than perpetual agricultural or silvicultural activities. Clearing includes, but is not limited to, cutting brush, removal of trees, burning, root-raking, de-stumping, land leveling, earthwork, chopping, grinding, and any other activity intended to convert property from its current condition to a developable condition.

(3)~~(2)~~ "Conservation Plan" means a formal document, prepared or approved by the local Soil and Water Conservation District organized pursuant to Chapter 582, F.S., which outlines a system of management practices to control soil erosion, reduce sediment loss, or protect the water quality on a specific parcel of property.

(4)~~(3)~~ "Conversion" means a man-made change to a wetland as defined in Section 373.019(22), F.S., or surface water by draining, filling, or other means which results in the permanent change of the wetland or surface water to an upland.

(5)~~(4)~~ "Critical Duration" means the duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event. The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical duration" storm.

(6)~~(5)~~ "Detention" or "To Detain" means the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of stormwater.

(7)~~(6)~~ "Development" means any man-made change to improved or unimproved real estate within a work of the district including but not limited to, construction of surfacewater management systems, works, appurtenant works, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, development of sewage disposal systems, or the alteration of the topography of a tract of land for purposes consistent with the occupation of agriculture, silviculture, floriculture, or horticulture including agricultural closed systems.

(8)~~(7)~~ "Direct Hydrologic Connection" means a natural connection which occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of naturally occurring wetlands may be used to establish a direct hydrologic connection.

(9)~~(8)~~ "Effective Grain Size" means the diameter of filter sand or other aggregate that corresponds to the 10th percentile finer by dry weight on the grain size distribution curve.

(10)~~(9)~~ "Engineer" means a professional engineer registered in Florida, or other person exempted pursuant to the provisions of Chapter 471, F.S., who is competent in the fields of hydrology and stormwater control.

(11)~~(10)~~ "Existing Surfacewater Management System" means any surfacewater management system including an individual work upon which construction is complete and the system is in operation on the effective date of this chapter, or any system which has received construction authorization pursuant to a permitting program established under the authority of Chapter 373 or 403, F.S., prior to the effective date of this chapter. In addition, a redevelopment project, including drainage improvements, street paving, or stormwater improvements, which has received funding approval in a local unit of government's fiscal year 1985-1986 budget or for which federal or state grant funds have been committed prior to the effective date of this chapter shall be considered an existing system.

(12)~~(11)~~ "Filtration" or "To Filter" means selective removal of suspended matter from stormwater by passing the water through at least two feet of suitable fine textured

granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.

(13)~~(12)~~ "Floodway" or "Regulatory Floodway" means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood/one percent annual change of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

(14)~~(13)~~ "Governing Board" means the governing board of a water management district. Unless used in a different context, "governing board" or "board" means the governing board of the Suwannee River Water Management District.

(15)~~(14)~~ "Impervious" means land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

(16)~~(15)~~ "Minimum Level" means the level of the water table or of the potentiometric surface in an aquifer or the level of surface water at which further withdrawals would be significantly harmful to the water resources of the area.

(17)~~(16)~~ "Minimum Rate of Flow" means the limit at which further withdrawals from a stream or other watercourse would be significantly harmful to water resources or ecology of the area.

(18)~~(17)~~ "New Surfacewater Management System" or "New Works" means any system or work which is not an existing system.

(19)~~(18)~~ "New Development" means any development as defined herein which:

(a) Was not complete on the effective date of this chapter; or

(b) Involves substantial improvement to any structure in a work of the district; or

(c) Involves alteration of any work or appurtenant works or surfacewater management system in a work of the district.

(20)~~(19)~~ "Obstruction" means any fill, structure, work, appurtenant work, or surfacewater management system placed in waters, a floodway, or a work of the district which may impede the flow of water or otherwise result in increased water surface elevations.

(21)~~(20)~~ "Project Area" means the total land area owned or controlled by the applicant which will be serviced or affected by a surfacewater management system or work.

(22)~~(21)~~ "Retention" or "To Retain" means the prevention of, or to prevent the discharge of, a given volume of stormwater runoff by complete on-site storage.

(23)~~(22)~~ "Stormwater" means the flow of water which results from, and which occurs immediately following a rainfall event.

(24)~~(23)~~ "Structure" means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

(25)~~(24)~~ "Subdivision" means the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

(26)~~(25)~~ "Substantial Improvement" means any repair, reconstruction, rehabilitation or improvement of a structure, the cost of which exceeds, over a five year period a cumulative total of 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of a building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure safe conditions or any alteration of a structure listed on the National Register of Historic Places.

(27)~~(26)~~ "Surveyor" or "Professional Land Surveyor" means a person who is registered to engage in the practice of land surveying under Sections 472.001 through 472.039, F.S.

(28)~~(27)~~ "Uniformity Coefficient" means the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D60/D10 ratio where D10 and D60 refer to particle diameter corresponding to the 10th and 60th percentile of the material which is finer by dry weight.

(29)~~(28)~~ "Water Management District" means any flood control, resource management, or water management district operating under the authority of Chapter 373, F.S. Unless otherwise stated, water management district or district shall refer to the Suwannee River Water Management District.

(30)~~(29)~~ "Watershed" means the land area which contributes to the flow of water into a receiving body of water. Watersheds are subdivided into the following types;

Coastal: watershed areas contributing runoff to the Gulf of Mexico by sheet flow or coastal streams which are subject to tidal effect.

Stream: watershed areas contributing runoff to a stream or river.

Lake-Open: watershed areas contributing runoff to a lake which has an outfall.

Lake-Closed: watershed areas contributing runoff to a lake which does not have an outfall.

Stream-Sink: watershed areas contributing runoff to a stream which recharges an aquifer through a sinkhole under normal flow.

Internal Drainage: watershed areas without well defined surfacewater drainage patterns and where runoff, if it occurs, infiltrates as recharge following a rain event.

(31)~~(30)~~ "Work of the District" means those projects and works including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board as works of the district. Works of the district officially adopted by the board are adopted by rule in Rule 40B-4.3000, F.A.C., of this chapter.

Rulemaking ~~Specific~~ Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History–New 9-25-85, Amended 12-22-92, 10-3-95, 5-13-07, _____.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) through (11) No change.

(12)(a) No clearing ~~of trees and vegetation~~ shall occur [except as provided in paragraphs (d) and (e) below] other than what is necessary to construct structures, associated water supply, wastewater disposal, and private driveway access facilities.

(b) No change.

(c) Clearing ~~of vegetation~~ within the front 75 feet immediately adjacent to and including the normally recognized bank of a water body shall be limited to that necessary to gain access to the water body ~~or remove diseased vegetation~~.

(d) through (f) No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History–New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-18-04, 5-13-07, 8-8-07, 8-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Water Supply and Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:
61G18-11.003 Reexamination

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The rule is being 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.

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: 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 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: 474.206, 455.217(2) FS.

LAW IMPLEMENTED: 474.2065, 474.207, 455.217(2) 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-11.003 Reexamination.

Rulemaking ~~Specific~~ Authority 474.206, 455.217(2) FS. Law Implemented 474.2065, 474.207, 455.217(2) FS. History–New 11-14-79, Amended 4-6-81, 5-7-85, Formerly 21X-11.03, Amended 11-2-88, 2-25-90, 4-13-92, Formerly 21X-11.003, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.:	RULE TITLE:
61G18-13.002	Approved Schools

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The rule is being 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.

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: 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 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: 474.206, 474.207(2)(b) FS.

LAW IMPLEMENTED: 474.207(2)(b) 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: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-13.002 Approved Schools.

Rulemaking ~~Specific~~ Authority 474.206, 474.207(2)(b) FS. Law Implemented 474.207(2)(b) FS. History–New 7-4-94, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-402.001	Scope
62-402.020	Definitions
62-402.030	Release of Funds
62-402.031	Preservation 2000 Funds
62-402.050	Financial Reports
62-402.060	Water Management Lands Trust Fund Bond Issues
62-402.070	Water Management Lands

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: Repeal Chapter 62-402, F.A.C., Water Management Lands Trust Fund, as it is not mandated by statute and no adverse consequences will result from its repeal.

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: 373.043 FS.

LAW IMPLEMENTED: 259.101, 373.59 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:

DATE AND TIME: January 18, 2012, 10:00 a.m.

PLACE: Conference Room A, First Floor, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 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 3 days before the workshop/meeting by contacting: Karri MacInnes, Government Operations Consultant I, Division of State Lands, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 100, Tallahassee, FL 32399, (850)245-2567, karri.macinnes@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 RULES IS: Karri MacInnes, Government Operations Consultant I, Division of State Lands, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 100, Tallahassee, FL 32399, (850)245-2567, karri.macinnes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

62-402.001 Scope.

Rulemaking ~~Specific~~ Authority 259.101, 373.043 FS. Law Implemented 259.101, 373.016, 373.026, 373.043, 373.59 FS. History–New 3-24-82, Formerly 17-42.01, 17-42.001, Amended 1-7-91, 5-2-94, Formerly 17-402.001, Repealed_____.

62-402.020 Definitions.

Rulemaking ~~Specific~~ Authority 259.101, 373.043 FS. Law Implemented 259.101, 373.016, 373.026, 373.043, 373.59 FS. History–New 3-24-82, Formerly 17-42.02, Amended 9-17-86, Formerly 17-42.020, Amended 1-7-91, 5-2-94, Formerly 17-402.020, Repealed_____.

62-402.030 Release of Funds.

Rulemaking ~~Specific~~ Authority 373.043 FS. Law Implemented 373.016, 373.026, 373.043, 373.139, 373.59 FS. History–New 3-24-82, Formerly 17-42.03, Amended 9-17-86, Formerly 17-42.030, Amended 1-7-91, 5-2-94, Formerly 17-402.030, Repealed_____.

62-402.031 Preservation 2000 Funds.

Rulemaking ~~Specific~~ Authority 259.101, 373.043 FS. Law Implemented 259.101, 373.016, 373.026, 373.043, 373.59, 375.045 FS. History–New 5-2-94, Formerly 17-402.031, Repealed_____.

62-402.050 Financial Reports.

Rulemaking ~~Specific~~ Authority 373.026, 373.043 FS. Law Implemented 373.016, 373.026, 373.043, 373.59 FS. History–New 3-24-82, Formerly 17-42.05, 17-42.050, Formerly 17-402.050, Repealed_____.

62-402.060 Water Management Lands Trust Fund Bond Issues.

Rulemaking ~~Specific~~ Authority 373.016, 373.026, 373.043, 373.139, 373.59 FS. Law Implemented 373.016, 373.139, 373.59 FS. History–New 9-17-86, Formerly 17-42.060, Amended 1-7-91, 5-2-94, Formerly 17-402.060, Repealed_____.

62-402.070 Water Management Lands.

Rulemaking ~~Specific~~ Authority 259.101, 373.043 FS. Law Implemented 259.101, 373.016, 373.026, 373.043, 373.59 FS. History–New 5-2-94, Formerly 17-402.070, Repealed_____..

NAME OF PERSON ORIGINATING PROPOSED RULE: Clay Smallwood, Division Director, Division of State Lands

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-2.003 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the definition of general clinical laboratory experience and to clarify the accredited training programs.

SUMMARY: The definition of general clinical laboratory experience will be clarified; accredited training programs will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

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

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (8) No change.

(9) Accredited program means a clinical laboratory personnel training program that is accredited by the ~~Committee on Allied Health Education and Accreditation (CAHEA)~~, National Accrediting Agency for Clinical Laboratory Sciences (NAACLS), Commission ~~Council~~ on Accreditation of Allied Health Education Programs (CAAHEP), or Accrediting Bureau of Health Education Schools (ABHES).

(10) through (16) No change.

~~(17) General clinical laboratory experience is a minimum of six months of full time experience in at least four of the five following categories: microbiology, serology/immunology, chemistry, hematology, and immunohematology.~~

(17)~~(18)~~ No change.

(18)~~(19)~~ No change.

Rulemaking ~~Specific~~ Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History–New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, 1-8-06, 8-14-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.0011 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify definitions and to remove obsolete language.

SUMMARY: Definitions will be clarified and obsolete language will be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

RULEMAKING AUTHORITY: 483.805, 483.823 FS.

LAW IMPLEMENTED: 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.0011 Definitions.

(1) through (3) No change.

(4) "ABD" means American Board of Dermatology ~~Dentistry~~.

(5) through (11) No change.

(12) "ABOP" means American Board of Oral Pathology.

(12) through (13) renumbered (13) through (14) No change.

(15)~~(14)~~"AOBD" means American Osteopathic Board of Dermatology ~~Dentistry~~.

(15) through (20) renumbered (16) through (21) No change.

(22)~~(21)~~"CAAHEP" means The Commission ~~Council~~ on Accreditation of Allied Health Education Programs.

~~(22) "CAHEA" means The Committee on Allied Health Education and Accreditation.~~

(23) "CG" means Cytogenetics

~~(23) "CLDir" means Clinical Laboratory Director.~~

~~(24) "CLS" means Clinical Laboratory Scientist.~~

(25) through (32) renumbered (24) through (31) No change.

(32) "MB" means Microbiology.

(33) through (43) No change.

(44) "SM" means Specialist in Microbiology.

(44) through (47) renumbered (45) through (48) No change.

(49)~~(48)~~ "Medical Technology Training Program" means an ABHES, CAAHEP, ~~CAHEA~~, NAACLS, ~~military or~~ board approved training program for clinical/medical laboratory scientists ~~(CLS)~~ or medical technologists ~~(MT)~~, pursuant to subsections 64B3-2.003(9) and (16), F.A.C., or Department of Defense programs that are equivalent to a board approved training program.

(50)~~(49)~~ No change.

Rulemaking Authority 483.805, 483.823 FS. Law Implemented 483.823 FS. History–New 6-29-06, Amended 12-16-07, 4-28-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.002 Supervisor

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for education, training/experience and certification for the qualifications and responsibilities for a supervisor.

SUMMARY: The requirements for education, training/experience and certification for the qualifications and responsibilities for a supervisor will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034(3), 483.800, 483.809, 483.815, 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. ~~In order~~

(2) T~~t~~o be licensed as a supervisor, an applicant: shall be licensed or meet the requirements for licensure as a technologist;~~,~~ have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, patient safety;~~,~~ complete a~~n~~ one hour educational course acceptable to the Department on human immunodeficiency virus and acquired immune deficiency syndrome;~~,~~ and meet the requirements of one of the options set forth in subparagraph (3) below ~~one of the following~~:

(3)(a) Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology, Blood Banking (Donor Processing), Cytogenetics.

Education	Option	Training/Experience	Certification
Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	1a	• 1 year of pertinent clinical laboratory experience in the specialty area in which licensure is sought and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	1b	1 year of pertinent clinical laboratory experience in the specialty area in which licensure is sought	• DLM (ASCP) or • SC(ASCP) for clinical chemistry • SH (ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology • SM (ASCP) for microbiology

Masters Degree in Clinical Laboratory, Chemical or Biological Science	2a	• 3 years of pertinent clinical laboratory experience with at least 1 year experience in the specialty area in which licensure is sought, and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	2b	3 years of pertinent clinical laboratory experience, with at least 1 year experience in the specialty area in which licensure is sought	• DLM (ASCP) or • SC(ASCP) for clinical chemistry • SH (ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology • SM (ASCP) for microbiology
Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences	3a	• 5 years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level, and at least 1 year experience in the specialty area in which licensure is sought, and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	3b	5 years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the specialty area in which licensure is sought	• DLM (ASCP) or • SC(ASCP) for clinical chemistry • SH (ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology • SM (ASCP) for microbiology

(b) Cytology.

Education	Option	Training/Experience	Certification
Doctoral Degree in Clinical Laboratory Science in Cytology	1a	• 1 year of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	1b	1 year of pertinent clinical laboratory experience	SCT(ASCP)
Masters Degree in Clinical Laboratory Science in Cytology	2a	• 3 years of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	2b	3 years of pertinent clinical laboratory experience	SCT(ASCP)
Bachelors Degree with 16 semester hours of academic science	3a	• 5 years of pertinent clinical laboratory experience in cytology and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	3b	5 years of pertinent clinical laboratory experience in cytology	SCT(ASCP)
Associate Degree	4	10 years of pertinent clinical laboratory experience in cytology within the previous 15 years	ASCP certification prior to 1985

(c) Histology.

Education	Option	Training/Experience	Certification
as required by certifying body	1a	• 5 years of pertinent clinical laboratory experience in histology and • 25 hours of Board-approved continuing education in supervision and administration within the previous 5 years	HTL (ASCP)
	1b	• 5 years of pertinent clinical laboratory experience post-certification and • 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years	HT (ASCP)
	1c	• 5 years of pertinent clinical laboratory experience, and • 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years, and Florida licensure as a technologist in the specialty of histology	Not required

(d) Andrology, Embryology.

Education	Option	Training/Experience	Certification
Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	1a	• 1 year of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	1b	• 1 year of pertinent clinical laboratory experience in the specialty area in which licensure is sought	TS(ABB) for specialty sought.
Masters Degree in Clinical Laboratory, Chemical, or Biological Science	2a	• 3 years of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	2b	• 3 years of pertinent clinical laboratory experience with at least 1 year experience in the specialty area in which licensure is sought	TS(ABB) for specialty sought.
		•	
Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science	3a	• 5 years of pertinent clinical laboratory experience with at least 2 years experience in the specialty area in which licensure is sought and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	3b	• 5 years of pertinent clinical laboratory experience with at least 2 years experience in the category in which licensure is sought	TS(ABB) for specialty sought.

(e) Histocompatibility.

Education	Option	Training/Experience	Certification
as required by certifying body	1	as required by certifying body	CHS(ABHI)
Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	2a	• 1 year of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	2b	• 1 year of pertinent clinical laboratory experience	CHS(ABHI)

Masters Degree in Clinical Laboratory, Chemical or Biological Science	3a	• 3 years of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	3b	Three years of pertinent clinical laboratory experience	CHS(ABHI)
Bachelors Degree in Clinical Laboratory, Chemical or Biological Science	4a	• 5 years of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	4b	5 years of pertinent clinical laboratory experience	CHS(ABHI)

(f) Molecular Pathology.

Education	Option	Training/Experience	Certification
Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	1a	• 1 year of pertinent clinical laboratory experience in the specialty area in which licensure is sought and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	1b	1 year of pertinent clinical laboratory experience in the specialty area in which licensure is sought	The Molecular Diagnostics examination given by ABB or CHS(ABHI).
Masters Degree in Clinical Laboratory, Chemical or Biological Science	2a	• 3 years of pertinent clinical laboratory experience and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	2b	3 years of pertinent clinical laboratory experience in the specialty area in which licensure is sought	The Molecular Diagnostics examinationgiven by ABB or CHS(ABHI).
Bachelors Degree with 16 semester hours of academic science	3a	• 5 years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level and • 25 hours of Board-approved continuing education in supervision and administration	As required for technologist licensure
	3b	5 years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level	The Molecular Diagnostics examination given by ABB or CHS(ABHI).

~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunohematology, Blood Banking (Donor Processing), and Cytogenetics~~	~~1~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration~~	~~———————~~

	~~2~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience in the category in which licensure is sought~~	~~DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology~~
	~~3~~	~~Masters Degree in Clinical Laboratory, Chemical or Biological Science~~	~~Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration~~	
	~~4~~	~~Masters Degree in Clinical Laboratory, Chemical or Biological Science~~	~~Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought~~	~~DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology~~
	~~5~~	~~Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences~~	~~Five years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration~~	
	~~6~~	~~Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences~~	~~Five years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought~~	~~DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~

~~(b) Cytology~~	~~1~~	~~Doctoral Degree in Clinical Laboratory Science in Cytology~~	~~One year of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration~~	
		~~Doctoral Degree in Clinical Laboratory Science in Cytology~~	~~One year of pertinent clinical laboratory experience~~	~~SCT(ASCP)~~
	~~2~~	~~Masters Degree in Clinical Laboratory Science in Cytology~~	~~Three years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration~~	
		~~Masters Degree in Clinical Laboratory Science in Cytology~~	~~Three years of pertinent clinical laboratory experience~~	~~SCT(ASCP)~~
	~~3~~	~~Bachelors Degree with 16 semester hours of academic science~~	~~Five years of pertinent clinical laboratory experience in cytology and 25 hours of Board-approved continuing education in supervision and administration~~	
		~~Bachelors Degree with 16 semester hours of academic science~~	~~Five years of pertinent clinical laboratory experience in cytology~~	~~SCT(ASCP)~~
	~~4~~	~~Associate Degree~~	~~Ten years of pertinent clinical laboratory experience in cytology within the previous 15 years~~	~~ASCP certification prior to 1985~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(c) Histology~~	~~1~~	~~———————~~	~~Five years of pertinent clinical laboratory experience in histology and 25 hours of Board-approved continuing education in supervision and administration within the previous 5 years~~	~~HTL (ASCP)~~
	~~2~~		~~Five years of pertinent clinical laboratory experience post-certification and 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years~~	~~HT (ASCP)~~
	~~3~~		~~Five years of pertinent clinical laboratory experience, and 48 hours of Board-approved continuing education in supervision and administration within the previous 5 years, and licensure as a technologist in the specialty of histology~~	

~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(d) Andrology, Embryology~~	~~1~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience, and 25 hours of Board approved continuing education in supervision and administration~~	
	~~2~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience in the category in which licensure is sought~~	~~TS(ABB) for specialty sought.~~
	~~3~~	~~Masters Degree in Clinical Laboratory, Chemical, or Biological Science~~	~~Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration~~	
	~~4~~	~~Masters Degree in Clinical Laboratory, Chemical, or Biological Science~~	~~Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought~~	~~TS(ABB) for specialty sought.~~
	~~5~~	~~Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science~~	~~Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration~~	
	~~6~~	~~Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science~~	~~Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought~~	~~TS(ABB) for specialty sought.~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(e) Histocompatibility~~	~~1~~			~~CHS(ABHI)~~
	~~2~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration~~	
	~~3~~	~~Doctoral Degree in Clinical Laboratory, Chemical or Biological Science~~	~~One year of pertinent clinical laboratory experience~~	~~CHS(ABHI)~~
	~~4~~	~~Masters Degree in Clinical Laboratory, Chemical or Biological Science~~	~~Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration~~	

	5	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience	CHS(ABHI)
	6	Bachelors Degree in Clinical Laboratory, Chemical or Biological Science	Five years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration	
	7	Bachelors Degree in Clinical Laboratory, Chemical or Biological Science	Five years of pertinent clinical laboratory experience	CHS(ABHI)
Specialty	Option	Education	Training/Experience	Examination
(f) Molecular Pathology	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	2	Doctoral Degree in Clinical Laboratory, Chemical, or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought	The Molecular Diagnostics examination given by ABB
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience in the category in which licensure is sought	The Molecular Diagnostics examination given by ABB.
	5	Bachelors Degree with 16 semester hours of academic science	Five years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level and 25 hours of Board-approved continuing education in supervision and administration	
	6	Bachelors Degree with 16 semester hours of academic science	Five years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level	The Molecular Diagnostics examination given by ABB

~~(2) In lieu of one year of experience required by subsection 64B3-5.002(1), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Certification Registry of The American Society for Clinical Pathology, National Credentialing Body of Laboratory Personnel, The National Registry of Certified Chemists, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Association of Bioanalysts, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.~~

~~(3) Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.~~

(4) The Board approved Supervision and Administration examinations, used in lieu of the required 25 hours of supervision and administration continuing education are:

(a) The Diplomate in Laboratory Management examination administered by the American Society for Clinical Pathology (ASCP); ~~or the Clinical Laboratory Supervisor examination administered by the National Credentialing Body for Laboratory Personnel (NCA) for all specialty areas,~~

(b) The Specialist in Blood Banking examination administered by ASCP for the specialties of Blood Banking and Immunohematology;~~,~~

(c) The Specialist in Microbiology examination administered by ASCP for the specialty of microbiology;

(d)~~(c)~~ The Specialist in Cytotechnology examination administered by ASCP for the specialty of Cytology;~~,~~

(e)~~(d)~~ The Specialist in Chemistry examination administered by ASCP for the specialty of Clinical Chemistry;~~,~~

(f)~~(e)~~ The Specialist in Hematology examination administered by ASCP for the specialty of Hematology;~~,~~

(g)~~(f)~~ The Certified Histocompatibility examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI);~~,~~

(h)~~(g)~~ The Specialist in Andrology/Embryology examination administered by the American Board of Bioanalysis;~~,~~ ~~and~~

(i)~~(h)~~ The Specialist in Molecular Diagnostics examination administered by the American Board of Bioanalysis; and~~.~~

(j)~~(i)~~ The National Registry of Certified Chemists (NRCC).

Rulemaking Authority 483.805(4), 483.823 FS. Law Implemented 381.0034(3), 483.800, 483.809, 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06, 7-9-07, 2-7-08, 6-17-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.003 Technologist

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for a technologist.

SUMMARY: The requirements for a technologist will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

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

LAW IMPLEMENTED: 381.0034(3), 483.800, 483.809, 483.811(2), 483.815, 483.823 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histocompatibility, blood banking, cytology, cytogenetics, histology, molecular pathology, andrology and embryology shall have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and such applicants shall complete ~~an~~ one hour educational course acceptable to the Department on human immunodeficiency virus and acquired immune deficiency syndrome.

(2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

(a) Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology, Molecular Pathology.

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher) in Clinical Laboratory, Chemical, or Biological Science	1	• Clinical laboratory training program or • 3 years experience with a minimum of 6 months in each specialty for which licensure is sought	• MT(ASCP) • MT(AMT) • MT(AAB) • NRCC examinations or specialist examinations in single discpline for licensure in that specialty area
90 semester hours college credit	2	Clinical laboratory training program	• MT(ASCP) • MT(AMT) • MT(AAB) or specialist examinations in single discpline for licensure in that specialty area
Associate Degree in Clinical/ Medical Laboratory Technology	3	as required by certifying body	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
Associate Degree	4a	Successfully completed a Department of Defense clinical laboratory training program	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
	4b	5 years of pertinent clinical laboratory experience with one year of experience in each specialty area for which licensure is sought	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area

(b) Blood Banking.
(Donor Processing)

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher) in Medical Technology	1	as required by certifying body	• MT(ASCP) • BB(ASCP) • SBB(ASCP) • MT(AAB) • MT(AMT)

Bachelors Degree (or higher) in Clinical Laboratory, Chemical, or Biological Science	1	• Medical Technology Training program or • Board approved training program in Blood Banking or • 3 years experience in clinical laboratory experience in the areas of Chemistry, Serology/Immunology, Hematology, and Immunohematology and Blood Banking	• MT(ASCP) • BB(ASCP) • SBB(ASCP) • MT(AAB) • MT(AMT)

(c) Cytology.

Education	Option	Training/Experience	Certification
as required by certifying body	1	as required by certifying body	CT(ASCP)

(d) Cytogenetics

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher) with 36 hours of academic science	1	• Board approved training program in cytogenetics at the technologist level or • 1 year of pertinent clinical laboratory experience in cytogenetics	CG(ASCP)

(e) Molecular Pathology

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher) with 16 semester hours of academic science	1	as required by certifying body	• MB(ASCP) or • MT(AAB) Molecular Diagnostics examination • CHT(ABHI)
as required by certifying body	2	One year pertinent clinical laboratory experience in molecular pathology	• MB(ASCP) or • MT(AAB) Molecular Diagnostics examination or • CHT(ABHI)

(f) Andrology, Embryology

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher) with 24 semester hours of academic science	1	• Board approved training program in Andrology/Embryology or • 1 year of pertinent clinical laboratory experience	MT(AAB) Andrology/Embryology examination
Associate Degree	2	3 years of pertinent clinical laboratory experience	MT(AAB) Andrology/ Embryology examination

(g) Histology

Education	Option	Training/Experience	Certification
Associate Degree (or higher)	1	NAACLS-approved Histotechnology Program	HT(ASCP)
as required by certifying body	2	as required by certifying body	HTL(ASCP) or HT(ASCP)QIHC

as required by certifying body	3a	• 5 years of pertinent experience and • 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques	HT(ASCP)
	3b	• 5 years of pertinent experience and • 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques. and • licensure as a technician in the specialty of histology	Not required

(h) Histocompatibility

Education	Option	Training/Experience	Certification
as required by certifying body	1	as required by certifying body	CHT(ABHI)

~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunohematology, and Molecular Pathology~~	~~1~~	~~Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science~~	~~Clinical laboratory training program or 3 years experience (1 year in each specialty for which licensure is sought)~~	~~MT(ASCP), CLS(NCA), MT(AMT), MT(AAB), NRCC examinations, or specialist examinations in single disciplines for licensure in that specialty area~~
	~~2~~	~~90 semester hours college credit~~	~~Clinical laboratory training program~~	~~MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) examinations, or specialist examinations in single disciplines for licensure in that specialty area~~
	~~3~~	~~Associate Degree in Clinical/Medical Laboratory Technology~~	~~———————~~	~~MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area~~
	~~4~~	~~Associate Degree~~	~~Successfully completed a military clinical laboratory training program of at least 1500 clock hours~~	~~MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area~~

	5	Associate Degree	5 years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
Specialty	Option	Education	Training/Experience	Examination
(b) Blood Banking (Donor Processing)	1	Bachelors Degree in Medical Technology		MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)
	2	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science	Medical Technology Training program or board approved training program in Blood Banking	MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)
	3	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science	Three years experience in medical technology, with a minimum of one year in the areas of Chemistry, Serology/Immunology, Hematology, and Immunohematology	MT(ASCP), BB(ASCP), SBB(ASCP), CLS(NCA), MT(AAB), MT(AMT)
Specialty	Option	Education	Training/Experience	Examination
(c) Cytology	1			CT(ASCP)
Specialty	Option	Education	Training/Experience	Examination
(d) Cytogenetics	1	Bachelors Degree with 36 hours of academic science	Board approved training program in cytogenetics at the technologist level	CLS(NCA) Cytogenetics examination
	2	Bachelors Degree with 36 hours of academic science	One year of pertinent clinical laboratory experience in cytogenetics	CLS(NCA) Cytogenetics examination
Specialty	Option	Education	Training/Experience	Examination
(e) Molecular Pathology	1	Bachelors Degree with 16 semester hours of academic science		CLS(NCA) Molecular Pathology examination, MBP(ASCP) or MT(AAB) Molecular Diagnostics examination
Specialty	Option	Education	Training/Experience	Examination

~~(f) Andrology, Embryology~~	~~1~~	~~Bachelors Degree with 24 semester hours of academic science~~	~~Board approved training program in andrology/embryology~~	~~MT(AAB) Andrology/ Embryology examination~~
	~~2~~	~~Bachelors Degree with 24 semester hours of academic science~~	~~One year of pertinent clinical laboratory experience~~	~~MT(AAB) Andrology/ Embryology examination~~
	~~3~~	~~Associate Degree~~	~~Three years of pertinent clinical laboratory experience~~	~~MT(AAB) Andrology/ Embryology examination~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(g) Histology~~	~~1~~			~~HTL(ASCP), or HT(ASCP)QIHC~~
	~~2~~	~~Associate Degree~~	~~NAACLS-approved Histotechnology Program~~	~~HT(ASCP)~~
	~~3~~		~~Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques~~	~~HT(ASCP)~~
	~~4~~		~~Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/ advanced histologic techniques and licensure as a technician in the specialty of histology~~	
~~Specialty~~	~~Option~~	~~Education~~	~~raining/Experience~~	~~Examination~~
~~(h) Histocompatibility~~	~~1~~			~~CHT(ABHI)~~

Rulemaking Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034(3), 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06, 7-9-07, 2-7-08, 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for a technician.

SUMMARY: The requirements for a technician will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

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

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

IF REQUESTED 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. ~~In order~~ To be licensed as a laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histology, molecular pathology, andrology and embryology, an applicant shall have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety. The applicant shall complete a one hour educational course acceptable to the department on human immunodeficiency virus and acquired immune deficiency syndrome.

(2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

(a) Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher)	1	3 years of pertinent clinical laboratory experience within the 10 years preceding application for licensure	• MLT(ASCP) • MLT(AMT) • MLT(AAB)
			•
Associate Degree	2	4 years of pertinent clinical laboratory experience within the 10 years preceding application for licensure	• MLT(ASCP) • MLT(AMT) • MLT(AAB)
			•
as required by certifying body	3	• Approved clinical/medical laboratory training program or • 5 years of pertinent clinical laboratory experience within the 10 years preceding application for licensure	• MLT(ASCP) • MLT(AMT) • MLT(AAB)

(b) Histology

Education	Option	Training/Experience	Certification
as required by certifying body	1	as required by certifying body	HT(ASCP)

(c) Andrology, Embryology

Education	Option	Training/Experience	Certification
Bachelors Degree (or higher)	1	6 months of pertinent clinical laboratory experience	MLT(AAB) for specialty sought
Associate Degree	2	5 years of pertinent clinical laboratory experience	MLT(AAB) for specialty sought
as required by certifying body	3	Approved clinical/medical laboratory training program	MLT(AAB) for specialty sought

(d) Molecular Pathology

Education	Option	Training/Experience	Certification
High school diploma or High school equivalent	1	Licensed clinical laboratory technologist or technician in any specialty area	MLT (AAB) Molecular Diagnostics Examination

~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, and Immunohematology~~	~~1~~		~~Approved clinical/medical laboratory training program~~	~~MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)~~
	~~2~~		~~Five years of pertinent clinical laboratory experience within the 10 years preceding application for licensure~~	~~MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)~~
	~~3~~	~~Associate Degree~~	~~Four years of pertinent clinical laboratory experience within the 10 years preceding application for licensure~~	~~MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)~~
	~~4~~	~~Bachelors Degree~~	~~Three years of pertinent clinical laboratory experience within the 10 years preceding application for licensure~~	~~MLT(ASCP), CLT(NCA), MLT(AMT), MLT(AAB)~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(b) Histology~~	~~1~~			~~HT(ASCP)~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(c) Andrology/ Embryology~~	~~1~~		~~Approved clinical/medical laboratory training program~~	~~MLT(AAB) for specialty sought~~
	~~2~~	~~Bachelors Degree~~	~~Six months of pertinent clinical laboratory experience~~	~~MLT(AAB) for specialty sought~~
	~~3~~	~~Associate Degree~~	~~Five years of pertinent clinical laboratory experience~~	~~MLT(AAB) for specialty sought~~
~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Examination~~
~~(d) Molecular Pathology~~	~~1~~	~~High school diploma or high school equivalent~~	~~Licensed clinical laboratory technologist or technician in any specialty area~~	~~MLT (AAB) Molecular Diagnostics Examination~~

Rulemaking ~~Specific~~ Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History–New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03, 4-20-04, 2-23-06, 5-25-06, 12-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.007 Director; Limitations and Qualifications

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the qualifications for a director.

SUMMARY: The qualifications for a director will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 381.0034(3), 483.800, 483.809, 483.823(1), 483.824 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.007 Director; Limitations and Qualifications.

(1) All applicants for a Director license must have the qualifications for a High Complexity Laboratory Director, listed in 42 CFR 493.1443 as published on October 1, 2007, and complete a Board-approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety. Such applicants shall also complete a~~n~~ one hour educational course acceptable to the Department on human immunodeficiency virus and acquired immune deficiency syndrome.

(2) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases, there are multiple options for meeting the requirements.

(a) All Specialties

Education	Option	Training/Experience	Certification
Florida Licensed physician (does not require a separate laboratory director license)	1a	as required by certifying body	Certification in Clinical Pathology by the ABP or AOBP
	1b	as required by certifying body	Certification in the pertinent laboratory specialty by ABIM, AOBIM, ABMM, ABCC, ABNM, AOBNM, ABMG, ABB, ABMLI, ABHI
	1c	Four years of pertinent clinical laboratory experience (post-graduate), with two years experience in the specialty to be directed	Not required

(b) Histology, Cytology

Education	Option	Training/Experience	Certification
Florida Licensed physician (does not require a separate laboratory director license)	1	as required by certifying body	Certification in Anatomical Pathology or Cytopathology by ABP or AOBP. For dermatopathology only, certification in Dermatopathology by the ABD or AOBD

(c) Oral Pathology Laboratories

Education	Option	Training/Experience	Certification
Florida Licensed physician or dentist (does not require a separate laboratory director license)	1	as required by certifying body	Certification in Anatomical Pathology by ABOP, ABP, or AOBP

(d) Microbiology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Certification in Clinical Microbiology by ABMM, or HCLD(ABB) with certification in Microbiology

(e) Hematology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	HCLD(ABB) in Hematology

(f) Cytogenetics

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Certification in Clinical Cytogenetics by ABMG

(g) Serology/Immunology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Certification in Clinical Immunology by ABMLI, or HCLD(ABB) with certification in Immunology or Diplomate of ABHI

(h) Clinical Chemistry

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Certification in Clinical Chemistry by ABCC, HCLD(ABB) with certification in Chemistry, or certification in Clinical Chemistry or Toxicological Chemistry by NRCC.

(i) Andrology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	HCLD(ABB) with certification in Andrology

(j) Embryology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	ELD(ABB) or HCLD(ABB) with certification in Embryology.

(k) Histocompatibility

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Diplomate of the ABHI or HCLD(ABB) with certification in Immunology.

(l) Molecular Pathology

Education	Option	Training/Experience	Certification
Doctoral Degree in chemical, biological, or clinical laboratory science	1	as required by certifying body	Certification in Molecular Pathology by ABCC, certification in Molecular Genetics by ABMG, or HCLD(ABB) with certification in Molecular Diagnostics

~~Specialty~~	~~Option~~	~~Education~~	~~Training/Experience~~	~~Certification~~
~~All Specialties~~	~~1~~	~~Licensed physician (does not require a separate laboratory director license)~~		~~Certification in Clinical Pathology by the ABP or AOBP.~~
	~~2~~	~~Licensed physician (does not require a separate laboratory director license)~~		~~Certification in the pertinent laboratory specialty by ABIM, AOBIM, ABMM, ABCC, ABNM, AOBNM, ABMG, ABB, ABMLI, ABHI.~~
	~~3~~	~~Licensed physician (does not require a separate laboratory director license)~~	~~Four years of pertinent clinical laboratory experience (post-graduate), with two years experience in the specialty to be directed~~	

~~Histology, Cytology~~		~~Licensed physician (does not require a separate laboratory director license)~~		~~Certification in Anatomical Pathology or Cytopathology by ABP or AOBP. For dermatopathology only, certification in Dermatopathology by the ABD or AOBD.~~
~~Oral Pathology Laboratories~~		~~Licensed physician or dentist (does not require a separate laboratory director license)~~		~~Certification in Anatomical Pathology by ABOP, ABP, or AOBP.~~
~~Microbiology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Certification in Clinical Microbiology by ABMM, HCLD(ABB) with certification in Microbiology, or CLDir(NCA) as Generalist or with certification in Microbiology.~~
~~Hematology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~HCLD(ABB) in Hematology or CLDir(NCA) as Generalist with certification in Hematology.~~
~~Cytogenetics~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Certification in Clinical Cytogenetics by ABMG.~~
~~Serology/Immunology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Certification in Clinical Immunology by ABMLI, HCLD(ABB) with certification in Immunology, or CLDir(NCA) as Generalist, or Diplomate of ABHI.~~
~~Clinical Chemistry~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Certification in Clinical Chemistry by ABCC, HCLD(ABB) with certification in Chemistry, CLDir(NCA) as Generalist or with certification in Chemistry, or certification in Clinical Chemistry or Toxicological Chemistry by NRCC.~~
~~Andrology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~HCLD(ABB) with certification in Andrology.~~
~~Embryology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~ELD(ABB) or HCLD(ABB) with certification in Embryology.~~
~~Histocompatibility~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Diplomate of the ABHI or HCLD(ABB) with certification in Immunology.~~
~~Molecular Pathology~~		~~Doctoral Degree in a chemical, biological, or clinical laboratory science~~		~~Certification in Molecular Pathology by ABCC, certification in Molecular Genetics by ABMG, or HCLD(ABB) with certification in Molecular Diagnostics.~~

Rulemaking Authority 483.805(4) FS. Law Implemented 381.0034(3), 483.800, 483.809, 483.823(1), 483.824 FS. History–New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02, 10-14-02, 4-20-04, 2-23-06, 3-17-08, 6-17-09, 12-30-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-6.001 Manner of Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate updated versions of application forms.

SUMMARY: Updated versions of application forms will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 456.013, 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-6.001 Manner of Application.

(1) All applicants for licensure as a Clinical Laboratory Personnel Director~~, Supervisor, Technologist, or Technician~~ shall apply to the Department on Form #DH-MQA 3008 ~~3000~~ (10/11 ~~04/10~~) "Application for Clinical Laboratory Personnel Director~~, Supervisor, Technologist, and Technician~~" which is incorporated by reference herein., All applicants for licensure as a Clinical Laboratory Personnel Supervisor shall apply to the Department on Form #DH-MQA 3009 (10/11) "Application for Clinical Laboratory Personnel Supervisor" which is incorporated by reference herein. All applicants for licensure as a Clinical Laboratory Personnel Technologist shall apply to the Department on Form #DH-MQA 3011 (10/11) "Application for Clinical Laboratory Personnel Technologist" which is incorporated by reference herein. All applicants for licensure as a Clinical Laboratory Personnel Technician shall apply to the Department on Form #DH-MQA 3010 (10/11) "Application for Clinical Laboratory Personnel Technician" which is incorporated by reference herein. Any licensee requesting to add a specialty to his or her current license shall apply to the Department on Form #DH-MQA 3012 (10/11) "Adding a Specialty" which is incorporated by reference herein. Copies of all forms ~~which~~ can be obtained from the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at http://www.doh.state.fl.us/mqa/ClinLab/index.html. The application must be accompanied by the appropriate application fee required by Rule 64B3-9.001, F.A.C.

(2) through (3) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History–New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00, 3-24-02, 4-13-04, 6-17-09, 7-14-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for changing an inactive status license to an active status license.

SUMMARY: The requirements for changing an inactive status license to an active status license will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule

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.

RULEMAKING AUTHORITY: 456.036, 483.805(4), 483.819 FS.

LAW IMPLEMENTED: 456.036, 483.817 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the following continuing education requirements ~~in Rule 64B3-11.001, F.A.C~~. For licenses that have been inactive for one (1) year or less, the licensee must obtain twelve (12) hours of board approved continuing education. For licenses that have been inactive for one (1) year and (1) day or longer, the licensee shall obtain twenty-four (24) hours of board approved continuing education. The licensee shall be requested to provide copies of all continuing education hours; and

(a) through (c) No change.

Rulemaking ~~Specific~~ Authority 456.036, 483.805(4), 483.819 FS. Law Implemented 456.036, 483.817 FS. History–New 2-22-94, Formerly 61F3-8.002, Amended 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended 9-12-99, 5-16-00, 5-15-03, 2-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.:	RULE TITLE:
64B3-10.005	Scope of Practice Relative to Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the type of testing that each specialty of clinical laboratory personnel may perform.

SUMMARY: The type of testing that each specialty of clinical laboratory personnel may perform will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: During discussion of the economic impact of the 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 the rule amendment 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 rule 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.

RULEMAKING AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 456.013, 483.823, 483.825 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: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (13) No change.

(14) The purpose of the specialty of molecular pathology is the use of molecular techniques for the characterization of gene expression (protein, RNA), genetic lesions (DNA) in cells, gene products (proteomics) and analysis on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes. It includes the study of how the changes found lead to the disease process, monitoring of the effectiveness of therapy, and detection of residual disease. Techniques included are but not limited to immunohistochemistry, in situ hybridization, mutational analysis, protein analysis, polymerase chain reactions, cell culture and isolation, expression profiling, blotting and microarrays. Clinical laboratory personnel who are licensed in the specialties of microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, histocompatibility or molecular pathology may perform all molecular pathology procedures that are classified within the scope of the license specialty.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease markers, Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogeneic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. This specialty would also encompass all testing within the scope of serology/immunology, microbiology, hematology and immunohematology that pertain strictly to the processing of organ, tissue and bone marrow donors, and pre- and post-transplant patients. Clinical laboratory personnel who are licensed in the specialties of histocompatibility, serology/immunology or ~~and~~ immunohematology may perform all testing as being within the scope of the specialty of histocompatibility.

(16) No change.

(17) There is no technician license available in radioassay, blood gases, cytogenetics, or histocompatibility. However, clinical laboratory technicians licensed in the specialties of radioassay, blood gas analysis or ~~and~~ cytogenetics prior to March 28, 1995, may continue to perform such testing under direct supervision.

(18) through (19) No change.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History–New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, 4-27-04, 2-23-06, 11-25-08, 12-30-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-51.001 Manner of Application

PURPOSE AND EFFECT: The proposed rule amendment is for inclusion in future contracts with the testing vendor for the International Board of Electrologists Certification.

SUMMARY: The proposed rule amendment is for inclusion in future contracts with the testing vendor for the International Board of Electrologists Certification.

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 statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of this rule at its Council meeting, the Council, 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 Council 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 amendment will not require ratification by the Legislature.

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: 478.43(1), (4) FS.

LAW IMPLEMENTED: 478.45 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.001 Manner of Application.

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DH-MQA 1164, 05/11 ~~8/09,~~ Electrologist Application, which can be accessed through www.doh.state.fl.us/mqa. The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

Rulemaking Authority 478.43(1), (4) FS. Law Implemented 478.45 FS. History–New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04, 10-31-05, 2-11-08, 5-7-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

DEPARTMENT OF HEALTH

School Psychology

RULE NO.:	RULE TITLE:
64B21-500.002	Application Form Required for Licensure

PURPOSE AND EFFECT: To update the application form and to reflect a reduction in the application fees charged to obtain a license.

SUMMARY: The application form needs to reflect that the fee rules were amended to lower the application fee to $175 and the initial licensure fee to $175. The application instructions provide more information on requirements for obtaining licensure by endorsement of other state license.

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 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: 490.015 FS.

LAW IMPLEMENTED: 490.005(2), 490.006 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: Allen Hall, Executive Director, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-500.002 Application Form Required for Licensure.

Any person desiring a license to practice school psychology either through endorsement or by examination shall apply to the Department of Health. The application shall be made on incorporated by reference form DH-MQA 1067, (09/11) ~~(11/09)~~ Application for School Psychology Licensure, at _____, which also can be obtained from the Department of Health, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or at http://www.doh.state.fl.us/mqa/schoolpsych.

Rulemaking Authority 490.015 FS. Law Implemented 490.005(2), 490.006 FS. History–New 4-13-82, Amended 2-11-85, Formerly 21U-500.02, Amended 6-21-92, Formerly 21U-500.002, 61E9-500.002, Amended 11-13-02, 5-13-09, 3-2-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hall

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer Jr., M.D., Ph.D., FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2011

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.:	RULE TITLE:
68B-14.0036	Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule amendment is to achieve consistency between the Commission's Reef Fish Rule on recreational red grouper harvest in the Gulf of Mexico and rules that were implemented by NOAA Fisheries Service on November 2, 2011. According to the 2009 stock assessment update, red grouper is not

overfished, nor is it undergoing overfishing. In recent years, the recreational sector has not caught its allocation of red grouper, so the Gulf of Mexico Fishery Management Council relaxed recreational red grouper regulations to increase the recreational bag limit for red grouper in Gulf federal waters from two to four fish per person, per day within the four-fish grouper aggregate bag limit.

This rule amendment will remove the two-fish recreational bag limit for Gulf of Mexico red grouper. The effect of this rule amendment is to set the bag limit for recreationally-caught Gulf red grouper to four fish per person per day within the existing Gulf grouper aggregate bag limit of four fish. With this rule amendment federal and state regulations will be consistently applied. Where practicable, this minimizes public confusion, aids enforceability, and maximizes recreational fishing opportunities for red grouper in the Gulf of Mexico.

Rule 68B-14.0036, F.A.C. (Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption) would be amended to remove the two-fish bag limit currently in place for red grouper recreationally harvested in the Gulf of Mexico, excluding Monroe County. This would make the bag limit for red grouper four fish per person per day within the existing Gulf grouper aggregate bag limit of four fish.

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Bud Vielhauer, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Tilefish, Exception, Wholesale/Retail Purchase Exemption.

(1) No change.

(2) Grouper.

(a) No change.

~~(b) Red Grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, except in all waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be red grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, except in all waters of Monroe County, nor possess while in or on the waters of the Gulf of Mexico, except in all waters of Monroe County, more than 2 red grouper.~~

(c) through (g) renumbered (b) through (f) No change.

(3) through (9) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, 1-1-06, 7-1-06, 7-1-07, 4-1-08, 1-6-09, 8-27-09, 10-16-09, 1-19-10,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-17.0042	Approval of Continuing Education Courses

PURPOSE AND EFFECT: This rulemaking action implements changes to Chapter 497, Florida Statutes, as enacted by the Florida legislature in Chapter. 2010-125, Laws of Florida. Said statutory changes repealed Section 497.367, F.S., which previously required a specific course in HIV-AIDs as part of continuing education training; multiple other statutes were changed to reflect the deletion of the HIV-AIDs course requirement. This rulemaking deletes references to HIV-AIDs courses in a rule relating to continuing education. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on January 6, 2011.

SUMMARY: Deletes reference to HIV-AIDs in a rule relating to continuing education for persons licensed under Chapter 497, F.S.

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.

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: knowledge and experience of Department staff.

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: 497.105(5), 497.147(2), (4) FS.

LAW IMPLEMENTED: 497.162, 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.379(1), 497.602(3)(c);, 497.603(2) 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: January 12, 2012, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, 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 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957, or by email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984; shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-17.0042 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) Approved subject matter includes, as appropriate to the scope of practice of the licensee to whom credit shall be awarded.

(a) Basic theory and practice of funeral directing, embalming, or direct disposal services.

(b) Technical subjects including mortuary sciences, skill and technique development, scientific applications, and other topics specific to the overall practice of funeral directing, embalming, or direct disposal of human remains.

(c) Communicable diseases including transmission, sterilization techniques, risk education methods in practice of professional services~~, and Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome relative to precautions and risk reduction in the workplace~~.

(d) Public health and safety subjects including grief management, stress management, risk management, biohazardous and hazardous waste, and pathology.

(e) Subjects dealing with licensees' legal and ethical responsibilities, including the laws and rules governing the practice.

(4) through (7) No change.

Rulemaking ~~Specific~~ Authority 497.103, 497.105(5), 497.147 FS. Law Implemented 497.147, 497.162, 497.368(1)(e), 497.369(1)(c), 497.373(1)(e), 497.374(1)(c), 497.378(1), 497.379(1), 497.602(3)(c), 497.603(2) ~~497.378~~ FS. History–New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 10-30-01, Formerly 61G8-17.0042, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-18.002 Funeral Director Internship

PURPOSE AND EFFECT: This rulemaking action implements changes to Chapter 497, Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. The rule specifies procedures and forms to be used in regard to applications for and conduct of funeral director internships under Section 497.375, F.S. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on December 2, 2010.

SUMMARY: Procedures and forms to be used in regard to applications for funeral director internship license under Chapter 497, Florida Statutes; procedures and requirements to be observed in the conduct of funeral director internships.

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.

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: Knowledge and experience of Department staff.

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: 497.103(5)(b), 497.103(2)(c), (g), 497.375(2), 497.141(2), (4), (12)(g) FS.

LAW IMPLEMENTED: 497.375, 497.373(2)(c) 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: January 11, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, 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 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957, or by email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire.

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 69K-17.0035 follows. See Florida Administrative Code for present text.)

69K-18.002 Funeral Director Internship.

(1) This rule implements Sections 497.375 and 497.373(2)(c), Florida Statutes.

(2) APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE.

(a) Persons desiring licensure as a funeral director intern shall apply for such license by completing a form DFS-N1-1722, "Application for Funeral Director Intern License," which is incorporated by reference in Rule 69K-1.001, F.A.C., and filing same, together with a nonrefundable fee of $105, with the Division. The application form shall be filed with the Division at the address stated on the form.

(b) Applicants shall submit with their application for license, proof of satisfying the education requirements of Section 497.375(1)(b), F.S. Such proof shall be as specified by Rule 69K-100.036, F.A.C. "Proof of satisfying educational requirements."

(c) If the Division determines that the applicant for internship has no reportable criminal history within the meaning of Section 497.142(10)(c), F.S., and has no record of disciplinary action against any professional license, and otherwise meets the criteria for issuance of the internship license pursuant to Section 497.375, F.S., the Division shall so notify the applicant in writing, and upon receipt of such written notification the applicant may commence their internship; provided, all such approvals by the Division shall be reported to the Board at its next regular monthly meeting and shall be subject to ratification by the Board. As to any applicant which the Division determines has a reportable criminal history within the meaning of Section 497.142(10)(c), F.S., or has a record of disciplinary action against any professional license, or fails to meet any criteria for issuance of the internship license pursuant to Section 497.375, F.S., the Division shall present the application to the Board for its decision at the Board's next regular in-person monthly meeting.

(3) ENROLLMENT IN COURSE OF STUDY WHILE INTERNING. This rule section implements Section 497.375(1)(b)2., F.S.

(a) An applicant under Section 497.375(1)(b)2., F.S., must meet each and all of the requirements specified in Sections 497.375(1)(b)2. a., b., and c., F.S.

(b) An applicant under Section 497.375(1)(b)2., F.S., must be enrolled in a course of study referred to at Section 497.375(1)(b)2.b., F.S., as of the date the applicant's application for intern license is received by the Division. The applicant shall submit with the application proof of current enrollment complying with Rule 69K-100.036, F.A.C., "Proof of satisfying educational requirements."

(c) A course of study in "mortuary science" as referred to at Section 497.375(1)(b)2.b., F.S., shall be a Type 1 course as defined in Rule 69K-100.035, F.A.C. "Courses of Study: Criteria; Procedures for college or university to obtain approval."

(d) A course of study in "funeral service arts" as referred to at Section 497.375(1)(b)2.b., F.S., shall be a Type 2 course as defined in Rule 69K-100.035, F.A.C., "Courses of Study: Criteria; Procedures for college or university to obtain approval."

(e) A funeral director intern licensed under Section 497.375(1)(b)2., F.S., shall during the internship remain continuously enrolled in, and attending as required by the college or university, the course of study indicated in their internship application (hereinafter in this rule section the "course of study"), until the course of study is successfully completed or the internship ends.

1. If during the internship the intern's enrollment or attendance in the course of study for any reason terminates prior to successful completion of the course of study, the intern shall immediately suspend all activities under their internship license, and shall within 20 business days advise their internship supervisor that their enrollment or attendance in the course of study has terminated prior to successful completion of the course of study.

2. If an intern's internship supervisor is notified by the intern they supervise, licensed under Section 497.375(1)(b)2., F.S., that the intern has, prior to successful completion of the course of study, ceased or been terminated from current enrollment in the course of study or has ceased attendance in the course of study, the supervisor shall immediately suspend all activities under the internship and within 20 5 calendar days shall complete and file with the Division a form DFS-N1-2040 "Report of Suspension of Intern's Conditions of Internship," which is incorporated by reference in Rule 69K-1.001, F.A.C. If the supervisor receives information from a source the supervisor deems reliable, specifically asserting that the intern they supervise, licensed under Section 497.375(1)(b)2., F.S., has, prior to successful completion of the course of study, ceased or been terminated from current enrollment in the course of study or has ceased attendance in the course of study, the supervisor shall within 20 calendar days require the intern to provide the supervisor written proof from the school that the intern is currently enrolled in and attending the course of study, and if such proof is not received within 20 days of the supervisor's request the supervisor shall immediately suspend all activities under the internship and within 5 business days shall complete and file with the Division a form DFS-N1-2040 "Report of Suspension of Intern's Conditions of Internship," which is incorporated by reference in Rule 69K-1.001, F.A.C.

3. An intern whose internship has been suspended pursuant to this subparagraph may petition the Board to reinstate the internship. The petition shall not be granted unless the intern demonstrates that the termination of enrollment or attendance was due to illness, personal injury, or other substantial hardship beyond the intern's reasonable control.

(4) IDENTIFICATION OF TRAINING AGENCY AND SUPERVISOR; CHANGES.

(a) Funeral director interns shall train under their funeral director intern license only at a funeral establishment approved as a training agency pursuant to Rule 69K-18.004, F.A.C., "Intern Training Agencies." The training agency shall appoint the funeral director who shall supervise the intern. Funeral director interns shall be supervised in their funeral director internship activities by a funeral director employed at the training agency, holding a valid funeral director license under Chapter 497, F.S.

(b) Funeral director interns shall identify on their application for intern license the intern training agency where they will be trained, and the name and license number of the licensed funeral director who will supervise them.

(c) A training agency may at any time appoint a different funeral director, employed by the training agency, to supervise an intern. No approval by the Board or the Division is required for a change in supervisor pursuant to this rule subsection.

(d) An intern's internship supervisor may at any time terminate their supervision of the intern. The supervisor shall notify the intern and the training agency of such termination of supervision, and the training agency shall appoint a replacement supervisor. The exiting supervisor shall file their final training report as required by paragraph (9)(c) of this rule.

(e) An intern shall report a change to a different training agency on the first quarterly training report submitted after such change.

(5) LENGTH OF INTERNSHIP.

(a) One year of full-time funeral director internship training shall be required to satisfy the requirement of Section 497.373(2)(c), F.S. "Full-time" shall be deemed and construed to mean training comprising at least 40 hours each week for at least fifty weeks, to be completed within a contiguous twelve month period.

(b) An intern may on the internship application request an internship start date of up to 21 days after Board approval of the internship application, and such request shall be granted.

(c) Unless renewed by the Board pursuant to this rule, a funeral director internship shall terminate at the end of the 365th day after the internship began.

(d) A funeral director internship may not be extended, but may be renewed subject to the requirements of Section 497.375(4)(b) and (c), F.S., as those sections are implemented in this rule.

(6) RENEWAL OF FUNERAL DIRECTOR INTERNSHIP TO CONTINUE COURSE OF STUDY.

(a) This rule section implements Section 497.375(4)(b), F.S.

(b) No funeral director internship may be renewed under Section 497.375(4)(b), F.S., unless the internship license was applied for and granted under Section 497.375(1)(b)2., F.S.

(c) An intern whose internship license was applied for and granted under Section 497.375(1)(b)2., F.S, may apply to renew their internship by filing with the Division a completed form DFS-N1-2036, "Application to Renew Internship To Continue Course of Study" which is incorporated by reference in Rule 69K-1.001, F.A.C. The application shall be accompanied by a nonrefundable fee of $105.

(d) An applicant shall be currently enrolled in and attending the course of study identified in the original application for internship, when the application for renewal is filed.

(e) As a prerequisite to certifying to the licensing authority that an intern has completed at least one-half of the course of study in mortuary science or funeral service arts, the funeral director in charge (FDIC) of a training agency shall require the intern to provide the FDIC with an academic transcript issued by the college or university where the intern is enrolled. The FDIC shall review said transcript to verify that the intern has completed at least one-half of the course of study in mortuary science or funeral service arts.

(f) The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period. An application to renew may not be filed earlier than the 10th month of the initial internship period.

(g) Only one renewal shall be granted to any one intern.

(h) The renewal shall be for an additional one year period to commence immediately upon the end of the initial internship period.

(i) The Division shall approve the application to renew internship if the Division finds the application to be complete, the applicable fee is paid, and the internship is eligible for renewal under Section 497.375, F.S. The Division shall provide the Board at each monthly Board meeting with an informational report of internships renewed pursuant to Section 497.375(4)(b), F.S.

(7) RENEWAL OF FUNERAL DIRECTOR INTERNSHIP DUE TO ILLNESS, INJURY, HARDSHIP, OR AWAITING EXAM RESULTS.

(a) This rule section implements Section 497.375(4)(c), F.S.

(b) An intern seeking to renew their internship pursuant to Section 497.375(4)(c), F.S., shall apply to renew their internship by filing with the Division a completed form DFS-N1-2037 "Application to Renew Internship Due To Illness, Injury, Hardship, Or Awaiting Exam Results," which is incorporated by reference in Rule 69K-1.001, F.A.C. The application shall be accompanied by a nonrefundable fee of $105.

(c) The application to renew internship must be filed before the initial internship period ends. No renewal shall be granted if the application to renew is not filed before the end of the initial internship period. An application to renew may not be filed earlier than the 10th month of the initial internship period.

(d) Only one renewal shall be granted to any one intern.

(e) The renewal shall be for an additional one year period to commence immediately upon the end of the initial internship period.

(f) Applications under Section 497.375(4)(c), F.S., shall be presented to and ruled upon by the Board.

(8) SUPERVISION – SHIFT FROM DIRECT TO GENERAL SUPERVISION.

(a) This rule section implements Section 497.375(1)(d), F.S.

(b) No funeral director intern may shift to general supervision pursuant to Section 497.375(1)(d), unless the intern's internship was applied for and granted pursuant to Section 497.375(b)(2)b., F.S.

(c) An intern under Section 497.375(1)(b)2.b., F.S., may apply to take the laws-and-rules examination required under Section 497.373(2)(b), F.S., (hereinafter the "law & rules exam") by completing and submitting a form DFS-N1-2038 "Application To Take The Law & Rules Exam," which is incorporated by reference in Rule 69K-1.001, F.A.C. The application shall be accompanied by the applicable law & rules exam fee pursuant to Section 497.376, F.S. and Rule 69K-16.0001, F.A.C.

(d) An intern under Section 497.375(1)(b)2.b., F.S., desiring to change to general supervision, shall submit a completed form DFS-N1-2039 "Certification for General Supervision Of Intern," which is incorporated by reference in Rule 69K-1.001, F.A.C. The certification shall be signed by the funeral director in charge of the training agency where the intern is receiving training, to certify that in the FDIC's opinion the intern is competent to complete the internship under general supervision.

(e) The Division shall review the application and shall notify the applicant that the application is approved upon a determination by the Division that the application is complete, the applicant has passed the law & rules exam, and the applicant appears eligible to proceed to general supervision under Section 497.375, F.S. The intern may commence performance of internship duties under general supervision upon notification of approval by the Division. The Division shall provide the Board each month with a report of interns who have been approved to shift to general supervision pursuant to Section 497.375(1)(d), F.S.

(9) TRAINING REPORTS.

(a) An intern's internship supervisor shall prepare and file training reports concerning the intern's performance, on a calendar quarter basis, throughout the internship, including any renewal of the internship, and whether the intern is performing under direct or general supervision. The reports shall be filed with the Division on form DFS-N1-1747, "Supervisor's Quarterly Report of Apprentice or Intern Training," which is incorporated by reference in Rule 69K-1.001, F.A.C.

(b) Training reports shall be due 30 days after the end of the calendar quarter to which they relate. The first quarterly training report shall cover the partial calendar quarter in which the internship began. A subsequent training report shall be due for every subsequent calendar quarter of the internship. A final training report shall be filed within 30 days of the end of the quarter in which the internship was completed or terminated.

(c) Upon a change in supervisor of the intern, the exiting supervisor shall within 30 days complete and file with the Division a training report through the last date of supervision of the intern by the exiting supervisor. The new supervisor shall commence filing training reports concerning the intern.

(d) If during any quarter of the internship the funeral director intern receives instruction from more than one licensed Florida funeral director, each such instructor shall be required to certify the training on a form DFS-N1-1747, "Supervisor's Quarterly Report of Apprentice or Intern Training," which is incorporated by reference in Rule 69K-1.001, F.A.C., giving the dates during which instruction was given and the training activities engaged in by the intern under his or her supervision.

(e) No funeral director license will be issued until all required training reports have been received by the Division.

(10) ONLY ONE INTERNSHIP PER PERSON ALLOWED.

(a) No person shall be granted more than one internship license in their lifetime; provided, this rule provision shall not be deemed to bar renewal of internship licenses as authorized by Section 497.375(4), F.S.

Rulemaking Authority 497.103(5)(b), 497.103(2)(c), (g), 497.375(2), 497.141(2), (4), (12)(g) ~~497.103, 497.375~~ FS. Law Implemented 497.373, 497.375 FS. History–New 11-11-79, Amended 6-4-80, 8-10-83, Formerly 21J-18.02, Amended 12-11-88, 11-15-92, Formerly 21J-18.002, Amended 1-8-95, 7-14-99, Formerly 61G8-18.002, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: Decenber 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-21.005 Display of Licenses

PURPOSE AND EFFECT: This rulemaking action implements changes to Sections 497.380(15), 497.604(1), 497.376(2) and 497.602(5), Florida Statutes, as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. Prior to enactment of the changes referred to above, each funeral home and direct disposal establishment had to have each professional staffer post their license inside the establishment in a conspicuous location; the license had to be an original and there had to be a photo less than 2 years old attached to the license. The statutory changes allow the photo to be up to 6 years old, and, if a staffer member works at more than one location, they can post a copy of their license at the 2nd and subsequent locations (they do not need to obtain additional original licenses from the Division (which requires payment of a fee). Licensees thus save money and trouble due to less frequently having to replace photos, and not having to obtain extra originals of licenses issued to them. This rule was approved by the Board of Funeral, Cemetery, and Consumer Services on January 6, 2011.

SUMMARY: Changes the allowable age of photos that must be attached to posted copies of specified establishments licensed under Chapter 497, F.S.

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.

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: knowledge and experience of Department staff.

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: 497.380(10), 497.604(9)(c), 497.103(5), 497.103(1)(n) FS.

LAW IMPLEMENTED: 497.380(10), 497.604(9)(C), 497.380(15), 497.604(1) 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: January 12, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, 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 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957, or by email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services,

Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984; shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-21.005 Display of Licenses.

(1) This rule implements Sections 497.380(15) and 497.604(1), Florida Statutes.

(2)~~(1)~~ The current establishment license and the license of any funeral director or embalmer or direct disposer employed in the establishment shall be displayed for public inspection, in a conspicuous place inside the establishment in such a manner as to make them visible to patrons of the establishment and facilitate inspection by the Department. The following documents must be readily available, upon demand, for public inspection at all times:

(a) Current licenses/registrations of all employees or copies thereof;

(b) Latest inspection report or copies thereof;

(c) Current copy of inspection rules and inspection criteria adopted by the Board or Department.

(2) renumbered (3) No change.

(4)~~(3)~~ The photograph attached to the license pursuant to Sections 497.380(15) and 497.604(10), Florida Statutes, shall be ~~Each license issued to a funeral director or embalmer shall include a photograph of the licensee,~~ approximately two inches by two inches, not more than 6 years old, and ~~less than 2 years old,~~ permanently affixed to the displayed license.

Rulemaking ~~Specific~~ Authority 497.103(1)(n), 497.103(5), 497.380(10), 497.604(9)(c) ~~497.103, 497.376~~ FS. Law Implemented 497.380; 497.604 ~~97.376~~ FS. History–New 12-19-90, Formerly 21J-21.005, 61G8-21.005. Amended 5-20-93, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-100.035	Courses of Study: Criteria; Procedures for College or University to Obtain Approval

PURPOSE AND EFFECT: This rulemaking action specifies criteria for approval of courses of study offered in satisfaction of educational requirements for licensure under chapter 497, FS. This rulemaking specifies procedures for use by colleges or universities seeking to obtain approval by the Board of courses of study as satisfying specified educational requirements for specified categories of licensure under Chapter 497, F.S. The proposed rule specifies which types of courses will be deemed to satisfy the statutory requirements for specified categories of licensure under Chapter 497, F.S. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services on December 2, 2010.

SUMMARY: This proposed rule deals with courses of study required by statute for licensure under Chapter 497, F.S.

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.

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: Knowledge and experience of Department staff.

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: 497.103(5), 497.141(2), 497.161(1)(a), 497.368(1)(d), 497.373(1)(d)2. FS.

LAW IMPLEMENTED: 497.368, 497.370, 497.373, 497.375, 497.376 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: January 17, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, 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 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957, or by

email at LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire..

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-100.035 Courses of Study: Criteria; Procedures for College or University to Obtain Approval.

(1) This rule relates to courses of study for funeral director or embalmer licensure, under Sections 497.368(1)(d), 497.370(2) and 497.373(1)(d)2., F.S., which require approval of the licensing authority. This rule specifies criteria for course approval, and provides procedures for colleges or universities in seeking and obtaining Board approval for a proposed course of study.

(2) DEFINITIONS AND TERMINOLOGY.

(a) "ABFSE" refers to the American Board of Funeral Service Education, 3414 Ashland Avenue, Suite G, St. Joseph, MO 64506.

(3) TYPES OF COURSES OF STUDY. For purposes of identifying and referring to particular course of study as satisfying the applicable education requirements of Sections 497.368(1)(d), 497.370(2) and 497.373(1)(d)2., F.S., the following categories of courses of study are established:

(a) Type 1, combination funeral service arts and embalming course of study. A Type 1 course of study satisfies the course of study licensure requirement for funeral director-only, embalmer-only, and combination funeral director and embalmer, under Sections 497.368(1)(d), 497.373(1)(d)2., and 497.376, F.S. The reference at Sections 497.375(1)(b)2.b., and 497.373(1)(d), F.S., to a course of study in mortuary science, refers to a Type 1 course of study.

(b) Type 2, funeral service arts course of study. A Type 2 course of study satisfies the course of study requirement for funeral director-only licensure under Section 497.373(1)(d)2., F.S. The reference at Sections 497.375(1)(b)2.b. and 497.373(1)(d), F.S., to a course of study in funeral service arts, refers to a Type 2 course of study.

(c) Type 3, embalmer-only course of study. A Type 3 course of study satisfies the requirement for embalmer-only licensure under Section 497.368(1)(d), F.S. The reference at Section 497.368(1)(d), F.S., to a course of study in mortuary science, refers to this Type 3 course of study.

(4) CRITERIA FOR APPROVAL OF COURSE OF STUDY.

(a) TYPE 1 COMBINATION COURSE OF STUDY – CRITERIA FOR APPROVAL. A Type 1 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on in the funeral service arts and science sections of the national examination administered by the Conference of Funeral Service Examining Boards.

(b) TYPE 2 COURSE OF STUDY IN FUNERAL SERVICE ARTS – CRITERIA FOR APPROVAL. A Type 2 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on in the funeral service arts examination administered by the Conference of Funeral Service Examining Boards.

(c) TYPE 3 COURSE OF STUDY IN EMBALMING AND RELATED TECHNICAL MATTERS – CRITERIA FOR APPROVAL. A Type 3 course of study shall be approved if the school submitting the course to the Board for approval certifies to the Board that the course of study covers the subject matters examined on in the science examination administered by the Conference of Funeral Service Examining Boards.

(5) PROCEDURE FOR APPLYING FOR APPROVAL OF A COURSE OF STUDY.

(a) A college or university seeking approval of a course of study shall submit a completed form DFS-N1- "Application for Approval of a Course of Study," which is incorporated by reference in Rule 69K-1.001, F.A.C.

Rulemaking Authority 497.103(5), 497.141(2), 497.161(1)(a), 497.368(1)(d), 497.373(1)(d)2., 497.103(1)(a) FS. Law Implemented 497.368, 497.370, 497.373, 497.375, 497.376 FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2011