

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-1.09422               Florida Comprehensive Assessment  
                                  Test and End-of-Course  
                                  Assessment Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 48, December 2, 2011 issue of the Florida Administrative Weekly. The notice of continuation omitted the time change from 9:00 a.m. to 8:00 a.m. for the State Board of Education conference call on December 19, 2011.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-10.0315               College Preparatory Testing,  
                                  Placement, and Instruction

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 48, December 2, 2011 issue of the Florida Administrative Weekly. The notice of continuation omitted the time change from 9:00 a.m. to 8:00 a.m. for the State Board of Education conference call on December 19, 2011.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NO.:                   RULE TITLE:  
6E-4.005                 Student Protection Fund; Trainout  
                                  Procedures for Closure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly. The notice of proposed rulemaking omitted the following information regarding the statement of estimated regulatory costs: The SERC provides that the proposed rule is not expected to (1) have an adverse impact on economic growth, private sector job creation or employment or private sector investment in excess of \$1 million in the aggregate within five years or (2) have any adverse impact on business competitiveness, productivity or innovation or (3) increase regulatory costs in excess of \$1 million in the aggregate within five years. This is based upon the fact that the proposed rule does not increase any of the fees for post secondary educational institutions and that the proposed use of the forms will assist institutions by simplifying

the means of providing information to the Commission. The transactional costs for the 950 private post secondary educational institutions impacted by the proposed rule (some of which constitute small businesses) is expected to be minimal. No increased costs to the agency is expected and no costs to any other governmental entity is expected. The proposed rule is not expected to have any impact on small counties or cities. The proposed rule was developed in the context of rule workshops, where licensed institutions subject to the rule provided input. The proposed rule is needed to address a finding and recommendation by the Auditor General to provide guidance to educational institutions by defining the term tuition revenue. See Auditor General Report No. 2011-177, Finding No. 7.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-1.659                 Forms and Instructions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

This rulemaking had initially concerned amendments to several of the District’s Environmental Resource Permitting forms. Only the General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects form will be revised in this rulemaking. Other forms originally proposed for amendments will not be revised.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District’s website at [www.watermatters.org](http://www.watermatters.org).

- (1) No change.
- (2) SURFACE WATER
  - (a) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT, FORM 547.27/ERP ~~(6/10)~~ ~~(9/11)~~, incorporated by reference in paragraph 40D-4.101(1)(b), F.A.C.
  - (b) STATEMENT OF COMPLETION AND REQUEST FOR TRANSFER TO OPERATION ENTITY, FORM 547.27/SOC ~~(4/09)~~ ~~(9/11)~~, incorporated by reference in subparagraph 40D-4.351(2)(a)1., F.A.C.
  - (c) through (j) No change.
  - (k) STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE, FORM NO. ~~LEG-R.044.00 (4/09)~~ ~~LEG-R.044.01 (9/11)~~, incorporated by

reference in subsection 40D-4.351(3), F.A.C.

(l) GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUTPARCEL CONSTRUCTION WITHIN PERMITTED COMMERCIAL/INDUSTRIAL PROJECTS, FORM NO. LEG-R.001.01 (11/11) ~~(9/11)~~, incorporated by reference in subparagraph 40D-4.331(2)(a)2., F.A.C.

(m) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.013.01 (04/09) ~~LEG-R.013.03 (9/11)~~, incorporated by reference in paragraph 40D-4.331(2)(b), F.A.C.

(n) No change.

(3) No change.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-4.331                   Modification of Permits  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

This rulemaking had proposed amendments to the Environmental Resource Permit Modification Short Form and the General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial/Industrial Projects form. Only the latter form will be revised in this rulemaking. The Modification Short Form will not be revised.

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked.

(1) No change.

(2) Applications to modify a construction permit shall be made by formal or Short Form modification:

(a) Formal modifications.

1. No change.

2. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using the General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Projects, Form No. LEG-R.001.03 (11/11) ~~(9/11)~~, incorporated herein by reference. A copy of the form can be obtained from the District’s website at www.WaterMatters.org or from the District offices.

3. No change.

(b) Except for projects identified in paragraph (2)(a), applications to modify a permit may be made by submittal of an “Environmental Resource Permit Modification Short

Form”, Form No. LEG-R.013.01 (4/09) ~~LEG-R.013.03 (9/11)~~ incorporated herein by reference, a copy of which can be obtained from the District’s website at www.WaterMatters.org or from District offices, provided the requested modification does not:

1. through 6. No change.

(3) through (4) No change.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-4.331                   Modification of Permits  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 41, October 14, 2011 issue of the Florida Administrative Weekly.

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked.

(1) through (3) No change.

(4) No change.

(a) through (c) No change.

(d) An expired construction or conceptual permit shall not be reauthorized and extended through use of the Environmental Resource Permit Modification Short Form if the permit has been expired for more than 2 years from the date of permit expiration.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-21.001               Written Examination Designated;  
General Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-23.001  
RULE TITLE: Seals Acceptable to the Board

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

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

**NOTICE OF CORRECTION**

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

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-9.001  
RULE TITLE: Standards of Appraisal Practice

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

The change is to address written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

61J1-9.001 Standards of Appraisal Practice.

All registered, licensed, or certified appraisers shall comply with the 2012-2013 Uniform Standards of Professional Appraisal Practice (USPAP), effective January 1, 2012, which is incorporated by reference.

Rulemaking Authority 475.614 FS. Law Implemented 475.613(2), 475.628 FS. History—New 8-29-06, Amended 3-24-09,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-55.0021  
RULE TITLE: Discipline of Electrolysis Facilities

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly.

These changes are in response to the Council's Public meeting held on February 7, 2011, and comments made in the Joint Administrative Procedures Committee letter dated October 10, 2011. The changes are as follows:

(1) A business establishment offering electrolysis services without an active status license shall:

(a) through (b) No change.

(c) Pay a fine equal to all licensure and renewal fees that would have been due for the time of operation without an active status license up to a maximum of \$5,000 or denial of license.

(2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:

(a) No change.

(b) The facility licensure shall be suspended or revoked ~~for up to one year~~;

(c) No change.

The Law Implemented shall read 456.072(2)(b), (c), (d) 456.037, 478.52(1)(k), (2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Medicine, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE NO.: 64H-1.002  
RULE TITLE: Florida Biomedical Research Programs Grant Awards

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly.

The original proposed rule has been replaced in its entirety to now read:

64H-1.002 Florida Biomedical Research Programs Grant Awards.

(1) The Florida Biomedical Research Programs refers collectively to the James and Esther King Biomedical Research Program and the Bankhead-Coley Cancer Research Program at the Florida Department of Health. All forms and documents incorporated by reference herein are available at [www.floridabiomed.com](http://www.floridabiomed.com).

(2) Grant applications must be submitted through an online application system at [www.floridabiomed.com](http://www.floridabiomed.com). Applications can be accessed by creating an account within this system in accordance with the following calls for grant applications, incorporated by reference herein; and the associated application form, also incorporated by reference herein:

(a) “James & Esther King Biomedical Research Program Call for Grant Applications: Bridge Grant for Diseases Related to Tobacco Use Fiscal Year 2012-2013” effective November 11, 2011 using Form DH KNG 1001, “King Bridge Application”, (11/11); and

(b) “Bankhead-Coley Florida Cancer Research Program Call for Grant Applications: Bridge Grants for Cancer Fiscal Year 2012-13” effective November 11, 2011 using Form DH BC 1001, “BC Bridge Application”, (11/11).

(3) Grantees will accept an award offer by agreeing to the terms and conditions found in Form DH FBRP 2011, “Florida Biomedical Research Programs, James and Esther King Biomedical Research Program and Bankhead-Coley Cancer Research Program Terms and Conditions”, (10/11); incorporated by reference herein.

(4) Grantees will manage their award in accordance with the “Florida Biomedical Research Programs Grant Administration Manual” (October 2011), incorporated by reference herein.

Rulemaking Authority 215.5602(9) FS. Law Implemented 215.5602, 381.922 FS. History–New \_\_\_\_\_.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12DER11-18  
RULE TITLE: Exemption for Deployed Servicemembers

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2011-93 (House Bill 1141), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 6 months and that could be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. This act further provides that all conditions imposed by Sections 120.536(1) and 120.54, Florida Statutes, (Section 4 of Chapter 2011-93) were deemed to be met.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2011-93 (House Bill 1141), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 6 months and that they may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules. The form included here is based on the requirements of Chapter 2011-93 (House Bill 1141), Laws of Florida, as passed by the Legislature, and will provide a new