

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:
 69A-37.039 Prescribed Forms for Training and Certification
 69A-37.065 Programs of Study and Vocational Courses

PURPOSE AND EFFECT: The Department is holding a second workshop for the purpose of exploring options with the public for the implementation of new programs of study and vocational courses relating to standards for Fire Officer Professional Qualifications. The workshop may also include a general discussion of the current Fire Officer Program including length of programs, content of programs, instructor requirements, prerequisite requirements, certification requirements, and proposed rule development in that regard.

SUBJECT AREA TO BE ADDRESSED: Training and certification programs for the Fire Officer Program.

RULEMAKING AUTHORITY: 633.01(1), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34, 633.35, 633.38, 633.45 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 3:30 p.m. – 4:30 p.m.

PLACE: Ocean Center, 101 North Atlantic Avenue, Daytona Beach, FL 32118

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bill Wentlandt at (352)369-2829 or Bill.Wentlandt@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: Bill Wentlandt, Assistant Superintendent, Bureau of Fire Standards and Training, Division of State Fire Marshal, Phone (352)369-2829 or Bill.Wentlandt@MyFloridaCFO.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-208.403 Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language referring to internal management memoranda.

SUMMARY: The proposed rule removes language referring to internal department management memoranda.

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.

Based on information provided by the Bureau of Substance Abuse, the changes do not affect operations and therefore are not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.403 Random Drug Testing of Employees.

(1) through (16) No change.

(17) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance, the employee shall be notified in writing of the positive test results and the consequences of the results, in accordance with the following:

(a) For staff not certified under Section 943.13, F.S.:

1. First-time positive result:

a. All such employees will be given a mandatory referral to the employee assistance program (~~in accordance with Department procedure~~).

b. through c. No change.

d. If the employee refuses to comply with all requirements of the course of treatment recommended by the employee assistance program treatment provider, she/he will be dismissed ~~in accordance with Department procedure~~.

e. No change.

f. If actions by a governing licensure or certification board or body prevent placement into or ongoing employment in the previously held position, the Department will offer alternate position placement in accordance with the employee's qualifications, if such is available. If no alternate position

placement is available or the employee is unwilling to accept available placement options, the employee will be dismissed ~~in accordance with Department procedure.~~

- g. No change.
- 2. Second time positive test result.
 - a. No change.

b. Any governing licensure or certification board or body relevant to the employee’s position requirements will be contacted and provided with a report ~~in accordance with established reporting procedures.~~

(b) For staff certified under Section 943.13, F.S., who test positive:

- 1. No change.
- 2. The Criminal Justice Standards and Training Commission or other governing licensure/certification board relevant to the employee’s position requirements will be contacted ~~and provided with a report in accordance with established reporting procedures,~~ and the Department shall move to terminate the employee ~~in accordance with Department procedure.~~

(c) Employees in trainee or probationary status.

- 1. No change.
- 2. Any other governing licensure or certification board or body (relevant to the employee’s position requirements) will be contacted and provided with a report ~~in accordance with established reporting procedures.~~

(18) through (21) No change.

Rulemaking Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History—New 9-11-05, Amended 12-18-06, 12-3-08, 10-9-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.103
 RULE TITLE: Privileged Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that incoming mail from the news media that is individually correspondent in nature, rather than being a publication of the news media organization, should be marked so that staff know to treat the incoming mailing as correspondence rather than a publication and to clarify that mail to and from the Florida Bar is to be treated and handled as privileged mail.

SUMMARY: The proposed rule clarifies that incoming mail from the news media that is individually correspondent in nature, rather than being a publication of the news media organization, should be marked so that staff know to treat the incoming mailing as correspondence rather than a publication. The rule also clarifies that mail to and from the Florida Bar is to be treated and handled as privileged mail.

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.

Based on information provided by the Office of Institutions, the rule only affects internal operations and clarifies existing practice, and is therefore not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.103 Privileged Mail.

(1) “Privileged mail” is a category that includes mail to and from public officials, governmental agencies and the news media. This includes mail to and from the Florida Bar.

(2) through (4) No change.

(5) Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items. Incoming mail from the news media that is correspondence as opposed to a publication shall clearly indicate on the outside of the envelope the nature of the mail in order to put staff on notice that it should be handled pursuant to this rule rather than Rule 33-504.101, F.A.C. (“Admissible Reading Material”), such as by marking it as “privileged,” “correspondence,” or “not a publication.” Only the signature and letterhead of privileged mail may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being

returned in accordance with subsection (5) of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) through (9) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02, 9-20-04, 7-18-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.104
 RULE TITLE: Correctional Probation Officers Carrying Firearms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify what type of holster is required of probation officers who carry firearms.

SUMMARY: The proposed rule clarifies what type of holster is required for probation officers who carry firearms.

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.

Based on information provided by the Office of Institutions and the Office of Community Corrections, the rule only affects internal operations that have no effect on small business or regulation and is therefore not expected to require legislative ratification.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06 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: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) through (3) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry the firearm, in accordance with Department standards, only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist. ~~All holsters that secure the firearm about the waist shall be of a type which secures the firearm with a thumb break retainer.~~ Only the authorized firearm may be carried.

(b) through (5) No change.

(6) Firearm Type, Holsters, and Ammunition.

(a) Correctional probation officers are authorized to carry only department approved firearms, holsters, ammunition and reloading devices.

(b) through (11) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 790.06 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-4-01, 8-13-03, 6-24-04, 7-13-05, 3-27-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Russell Hosford, Assistant Secretary of Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-5.014
 RULE TITLE: Scheduling of Hearings

PURPOSE AND EFFECT: Section 443.151(4)(b)5.c., Florida Statutes, as amended by Chapter 2011-235, Laws of Florida, requires hearsay evidence used as the basis for a finding of fact be provided to all parties in advance of the hearing providing party's a reasonable time to review the proffered evidence. Additionally, the public must be provided the ability to listen in to the appeal hearings and review applicable documents upon request.

SUMMARY: The rule is amended to require a party wishing to offer hearsay evidence at a hearing pursuant to the provisions of Section 443.151(4)(b)5.c., Florida Statutes, to deliver the evidence to the parties at least 24 hours prior to the scheduled hearing time. The rule amendment provides that when a hearing follows a weekend or holiday the 24 hour period does not include the weekend or holiday. The rule then provides that a party may waive the 24-hour period for review at the hearing and upon waiver the hearing officer may proceed to consider the evidence. The rule is also amended to direct a member of the public who wishes to listen to a telephone hearing to exercise that right by contacting the Office of Appeals in Tallahassee or the appeals office where the case is assigned.

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: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.014 Scheduling of Hearings.

(1) through (2) No change.

(3) If any party wishes to submit evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., as the basis for a finding of fact, notwithstanding Section 120.57(1)(c), F.S., the party must arrange for delivery of the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time. If the hearing is scheduled for a Monday or a day following a holiday, the Saturday and

Sunday or the holiday will be excluded from the calculation of the 24 hour period. The 24 hour period will provide the party against whom the evidence is offered a reasonable opportunity to review such evidence prior to the hearing.

(4) Waiver. If the party submitting evidence to be considered, pursuant to Section 443.151(4)(b)5.c., F.S., fails to provide the evidence to all parties and the appeals referee at least 24 hours prior to the scheduled hearing time, and all parties to whom the evidence was improperly provided appear at the hearing, the referee shall inquire whether such parties are willing to waive their rights set forth in subsection (3). If the appeals referee obtains informed and intelligent consent from all parties to whom the evidence was not properly provided, the referee may proceed to consider the evidence.

(5)(3) Any member of the public wishing to listen to attend a telephone hearing and inspect documents may do so by contacting the Office of Appeals at MSC 347, 107 E. Madison Street, Tallahassee, Florida 32399-4143 or the appeals office to which the case is assigned at the location of the appeals referee.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b), (d) FS. History--New 5-22-80, Formerly 38E-5.14, Amended 10-5-86, 3-11-99, Formerly 38E-5.014, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson, Deputy General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan Orantes Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-5.024
 RULE TITLE: Conduct of the Hearing

PURPOSE AND EFFECT: To require that an appeals referee state on the record the reason for refusing to accept into evidence written or physical material presented at the hearing.

SUMMARY: The rule is amended to require the referee to state the reasons for rejecting any written or physical material offered as evidence. The rule is also amended to notify parties they have the right to object to inclusion or exclusion of written or physical material. Finally, the rule is amended to provide that failure to raise an objection at the hearing does not preclude the party from raising the objection in an appeal to the Unemployment Appeals Commission.

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: The text 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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) 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: Dorothy Johnson, Deputy General Counsel, The Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.024 Conduct of the Hearing.

(1) through (2) No change.

(3) Evidence.

(a) through (c) No change.

(d) The hearing need not be conducted according to the technical rules regarding evidence and witnesses. When the appeals referee declines to accept as evidence any written or physical material presented for consideration, the appeals referee should specifically address on the record or in the written decision the reason the material was rejected. A party or the party's representative may state an objection to the referee's acceptance of written or physical material or refusal to accept written or physical material as evidence. Irrelevant, immaterial or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding of fact unless it would be admissible over objection in civil actions. A party or the party's representative may also advise the appeals referee of a defect in the character of any evidence introduced by voicing an objection. The objecting party shall be given an opportunity to explain the grounds for the objection. Failure of a party to voice an objection to any

evidence introduced at the hearing or to the referee's refusal to accept as evidence any written or physical material shall not prevent the party from raising the objection on appeal to the Unemployment Appeals Commission.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History--New 5-22-80, Formerly 38E-5.24, Amended 8-20-86, Formerly 38E-5.024, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan O. Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: RULE TITLE:

60BB-5.025 Decision

PURPOSE AND EFFECT: To require that an appeals referee state in the Decision of the Appeals Referee the rationale by which hearsay evidence on which a finding of fact is based was determined to be admissible pursuant to Section 443.151(4)(b)5.c.(I) and (II), Florida Statutes.

SUMMARY: The rule is amended to require a referee to set forth in the Decision of the Appeals Referee the rationale by which hearsay evidence on which a finding of fact is based was determined to be admissible pursuant to Section 443.151(4)(B)5.c.(I) and (II), Florida Statutes.

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: the text 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: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4) 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: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

60BB-5.025 Decision.

(1) through (2) No change.

(3) The decision shall include, but not be limited to, the following:

(a) A statement of the referee’s jurisdiction;

(d) An analysis of the findings including a concise and explicit statement of the underlying evidence in the record which supports the findings.

1. Where a finding is based solely on hearsay, notwithstanding Section 120.57(1)(c), F.S., as provided in Section 443.151(4)(b)5.c., F.S., the appeals referee shall set forth the rationale by which the evidence was determined to be admissible in accordance with Section 443.151(4)(b)5.c.(I) and (II), F.S.

2. If confronted with conflicting evidence with respect to a disputed issue of fact, the finding of which is determinative of the outcome of the appeal, the appeals referee shall acknowledge such conflict and set forth the rationale by which the conflict was resolved.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History—New 5-22-80, Formerly 38E-5.25, Amended 8-20-86, Formerly 38E-5.025, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dorothy Johnson

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alan O. Forst, Chairman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.005
 RULE TITLE: License Renewal Fee Waivers

PURPOSE AND EFFECT: Veterinary Medicine has an excess of trust fund moneys; therefore, the Department is requesting this rule to reduce the amount of fees Veterinarians will have to pay for biennial renewal this upcoming cycle.

SUMMARY: The Department proposes to add language, subsection (2), to waive fifty dollars of the biennial license renewal fee; and to delete the sections pertaining to the fee waiver implemented in 2008, as the fee waiver has now expired.

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: the economic review conducted 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: 455.219(1) FS.

LAW IMPLEMENTED: 455.219(1) 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: Sheri Snyder, Division of Professions, 1940 North Monroe St., Tallahassee, FL 32399-0783, (850)717-1496, Sheri.Snyder@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.005 License Renewal Fee Waivers.

(1) Pursuant to Section 455.219(1), F.S., the Department of Business and Professional Regulation has determined, based on long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions, that certain professions have an excess of trust fund moneys required to cover the functions necessary to regulate those professions.

(2) Fifty dollars (\$50.00) of the renewal fee is waived for Veterinarians, regulated pursuant to Chapter 474, F.S., whose renewal fees are set forth in Rule 61G18-12.005, F.A.C., and Rule 61G18-12.009, F.A.C., whose biennial license renewal is scheduled to occur May 31, 2012.

~~(2) The full renewal fee is waived for licensees of professions named in this subsection renewing their license in the two year period following the effective date of the most recent amendment to this rule.~~

~~(a) Real estate brokers and sales associates, regulated pursuant to Part I of Chapter 475, F.S., whose renewal fees are set in Rule 61J2-1.011, F.A.C., and whose biennial license renewal is scheduled to occur on March 31, 2008, pursuant to Rule 61-6.001, F.A.C.;~~

~~(b) Athlete agents regulated pursuant to Part IX of Chapter 468, F.S., and whose renewal fees are set forth in Rule 61-24.004, F.A.C.;~~

~~(c) Employee leasing, regulated pursuant to Part XI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G7-5.001, F.A.C.;~~

~~(d) Real estate appraisers, regulated pursuant to Part II of Chapter 475, F.S., and whose renewal fees are set in Rule 61H1-2.001, F.A.C.;~~

~~(e) Professional engineers, regulated pursuant to Chapter 471, F.S., and whose renewal fees are set forth in Rule 61G15-24.001, F.A.C.; and,~~

~~(f) Barbering, regulated pursuant to Chapter 476, F.S., and whose renewal fees are set forth in Rule 61G3-20.009, F.A.C., Rule 61G3-20.010, and Rule 61G3-20.011.~~

(3) For renewals covered by this rule, the separate five dollar unlicensed activity fee collected pursuant to Section 455.2281, F.S., must still be paid at the time of renewal by all licensees. Further, this rule does not waive any additional fees owed at the time of renewal, such as late renewal or penalty fees.

Rulemaking Specific Authority 455.219(1) FS. Law Implemented 455.219(1) FS. History—New 10-1-00, Amended 8-17-06, 1-24-08,

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Division of Professions, Department of Business and Professional Regulation
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-7.014 RULE TITLE: Pick (N) Pools

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to the calculation and distribution of pari-mutuel wagering activity on wagering pools.

SUMMARY: Amends rule regarding pool calculation and distribution requirements for pari-mutuel wagering activity on Pick (N) wagering pools by giving pari-mutuel permitholders increased flexibility to offer “uncapped” jackpot wagers to the public.

OTHER RULES INCORPORATING THIS RULE: Rule 61D-7.017 incorporates Rule 61D-7.014, F.A.C.

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 550.0251(3), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED: 550.0251(7), 550.155 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 9, 2012, 1:30 p.m. – 3:30 p.m.

PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.014 Pick (N) Pools.

(1) through (2)(a) No change.

(b) Pick (N) with Jackpot Carryover and Minor Pool. The major share of the net Pick (N) pool ~~(percentage designated by Permitholder)~~ and the jackpot carryover, if any, shall be distributed to those who selected the first place finisher in each of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests, ~~based upon the official order of~~

~~finish~~. If there are no wagers selecting the first place finisher in all Pick (N) contests, the minor share of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests, and the major share shall be added to the jackpot. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded for that performance. At the option of the permitholder, and with prior notification given to the division, the jackpot may be distributed in the same percentages as the major and minor share designations provided that there is at least one wager selecting the first place finisher in all of the contests. Otherwise, the jackpot shall be carried over and only the minor share of the net Pick (N) pool for that performance shall be distributed.

(c) Pick (N) with Minor Pool and no Jackpot Carryover. The major share of the net Pick (N) pool (~~percentage designated by permitholder~~) shall be distributed to those who selected the first place finisher in the greatest number of the Pick (N) contests, based upon the official order of finish. The minor share of the net Pick (N) pool shall be distributed to those who selected the first place finisher in the second greatest number of Pick (N) contests, ~~based upon the official order of finish~~. If there are no wagers selecting at least one of the first place finishers, the entire Pick (N) pool shall be refunded.

(3) through (7) No change.

(8) For Pick (N) pools involving a jackpot, the jackpot shall be subject to the following conditions:

(a) The jackpot ~~may~~ shall be capped at a level designated by the permitholder, ~~in \$1,000 increments, but not exceeding the following:~~

	Cap for \$1.00 Minimum Wager	Cap for \$2.00 Minimum Wager
Pick (4)	\$4,000	\$8,000
Pick (5)	\$30,000	\$60,000
Pick (6)	\$250,000	\$500,000
Pick (7)	\$1,000,000	\$2,000,000
Pick (8) and over	\$5,000,000	\$10,000,000

~~(b) If at the close of any performance, the amount accumulated in the Pick (N) jackpot equals or exceeds the designated cap, the Pick (N) jackpot shall be frozen until it is distributed under the provisions of this rule.~~

~~(b)(e)~~ If the jackpot has been ~~previously~~ capped, and no one selects the first place finisher in each of the Pick (N) contests, then one hundred percent of the net Pick (N) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (N) contests for that performance.

(9) No change.

(10) The permitholder may provide for an early distribution of the Pick (N) jackpot on a specified date or payout schedule upon prior notification to the division at least 5 days prior to implementation.

~~(10)(4)~~ If for any reason beyond the control of the permitholder the Pick (N) jackpot cannot be awarded as required in the previous paragraphs, then the jackpot shall be deposited in an interest bearing account. The jackpot plus any interest earned shall become part of the Pick (N) net pool in one of the first five performances of the same permitholder's subsequent meet. For pari-mutuel facilities being utilized by more than one pari-mutuel permitholder, the jackpot plus any interest earned shall become part of the Pick (N) jackpot for the first performance of the other permitholder's subsequent meet at that same facility. ~~The permitholder(s) shall notify the division in writing prior to the beginning of the meet as to the designated performance.~~

~~(12) The permitholder may guarantee the Pick (N) jackpot up to the designated cap. The permitholder shall inform the division in writing at the beginning of the meet via the Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and at least 5 working days prior to exercising this option. The value needed to meet the guaranteed amount shall be added to the jackpot when it is won and included in the totalisator price calculations.~~

Rulemaking Specific Authority 550.0251(3),(7); 550.155(1), 550.495(4) FS. Law Implemented 550.0251(7), 550.155 FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Leon M. Biegalski, Director, Division of Pari-Mutuel Wagering

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NOS.:	RULE TITLES:
61G6-5.003	Requirements for Certification
61G6-5.004	Requirement for Business Organizations
61G6-5.010	Statement of Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the requirements for certification; to update the requirement for compliance with Section 489.522(2)(c), F.S., regarding the primary qualifying

agent’s authority for approving checks, payments, drafts and contracts on behalf of the business organization; to clarify the language concerning the statement of authority.

SUMMARY: Language concerning the requirements for certification will be clarified; the requirement for compliance with Section 489.522(2)(c), F.S., regarding the primary qualifying agent’s authority for approving checks, payments, drafts and contracts on behalf of the business organization will be updated; language concerning the statement of authority will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:

During discussion of the economic impact of the rules 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 the rules 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: 489.507(3), 489.515(1), 489.521 FS.

LAW IMPLEMENTED: 489.505(12), (21), (22), 489.511(2), 489.515(1), 489.521, 489.522 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: Juanita Chastain, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G6-5.003 Requirements for Certification.

(1) through (2) No change.

(3) All applicants attempting to demonstrate qualification by experience pursuant to Section 489.511(2)(a)3.a., b., c., F.S., must forward the following to the Board:

(a) A complete list of contracts by the applicant underway at the time of filing, along with a representative list of electrical contracts or alarm contracts, as applicable, completed in the requisite number of years preceding the date of application pursuant to the applicable part of the statute noted above. The list shall include the description of each job,

location, owner, architect or engineer, and general contractor. If the applicant has been employed by a Florida Certified Electrical, Alarm or Specialty contractor for the requisite number of years preceding the date of application, he/she may have that licensee verify that he/she meets the requirements pursuant to the applicable part of the statute noted above on a form prescribed by the Department in lieu of providing a list of contracts.

(b) Statements prepared ~~and signed in the presence of a notary~~ by some person or persons other than the applicant for licensure by examination or endorsement listing chronologically the active experience of the applicant ~~for examination~~ in the trade. The statements shall include the name and address of employers, and dates of employment, ~~along with~~ Coopies of W-2 forms must be submitted with the application.

(4) No change.

Rulemaking Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History–New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03, 12-6-10, 7-17-11, _____.

61G6-5.004 Requirement for Business Organizations.

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant proposing to engage in contracting as a partnership, corporation, business trust, or other legal entity other than a sole proprietorship, an applicant shall be required to forward the following to the Department for review by the Board:

(1) through (3) No change.

(4) For purposes of complying with Section 489.522(2)(c), F.S., a primary qualifying agent shall affirm he/she has the submit a notarized letter from a bank official concerning check writing authority or chief financial officer to demonstrate the applicant has authority for approving checks, payments, drafts and contracts on behalf of the business organization.

Rulemaking Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522 FS. History–New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, 4-12-04, 7-17-11, _____.

61G6-5.010 Statement of Authority.

Any person applying for the issuance of a certificate or registration to engage in contracting in other than his/her individual capacity, or any registrant or certificate holder applying to qualify a partnership, corporation, business trust or other legal business entity shall affirm that he/she is responsible for supervision of all operations of the business organization; including, all field work at all sites and financial matters (both in general and for each specific job) furnish as

part of his application a statement is legally qualified to act for the business organization in all matters connected with its contracting business and that he has authority to supervise construction undertaken by such business organization.

~~(1) If he is qualifying a partnership such statement shall be signed by all partners or, in the event of a limited partnership, by the general partners.~~

~~(2) If he is qualifying a corporation, such statement shall be contained in a copy of the official minutes of that corporation, certified and attested to by its secretary.~~

~~(3) If he is qualifying a business trust, joint venture or any other legal business entity, such statement shall be signed by the trustees, or by such other persons as will legally bind that business entity.~~

Rulemaking Specific Authority 489.507(3), 489.521 FS. Law Implemented 489.521 FS. History—New 5-20-92, Formerly 21GG-5.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-5.001
 RULE TITLE: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the application procedure and forms.

SUMMARY: Application procedure and forms will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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 necessary, but determined that the rule amendment will not require ratification by the Legislature. The Board has determined that the 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. No person or interested party submitted additional information regarding the economic impact at that time.

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

A copy of the Statement of Estimated Regulatory Cost is available by contacting Richard Morrison, Executive Director, at the address listed below. The following is a summary of the SERC:

(1) Approximately 84 new applicants and 476 existing licensees will be required to comply with the rule. (2) The overall additional cost of the application process will be \$14.00, for an additional total of approximately \$7,840.00 for the 84 new applicants and the 476 existing licensed Employee Leasing Companies. (3) No cost to the department for implementing the proposed rule. (4) No cost to any other state and local government entities for implementing the proposed rule. (5) No small county or small city will be impacted by the proposed rule.

RULEMAKING AUTHORITY: 120.53(1), 455.2281, 468.522, 468.5245, 468.5275 FS.

LAW IMPLEMENTED: 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.001 Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing.

(1)(a) Applicants for licensure as an employee leasing company ~~or as a controlling person~~ shall file a completed application on ~~form Form~~ DBPR EL 4501, “Application for Licensure as an Employee Leasing Company,” effective May 20, 2011 ~~March 18, 2004~~ and/or ~~Form DBPR EL 4510, “Application for Licensure as an Employee Leasing Company Controlling Person,” effective March 18, 2004.~~ The forms, together with their attached instructions for completing the application forms, are incorporated herein by reference and may be obtained from the Board’s office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com. This form references and, where applicable, requires the completion and submission of the following additional forms:

1. DBPR 0020-1, “Master Organization Application,” effective May, 2011;

2. DBPR EL-4510, "Application for Licensure as an Employee Leasing Company Controlling Person," effective May 20, 2011.

3. DBPR EL-4512, "Historical Sketch," effective May, 2011.

4. DBPR EL-4518, "Cross Guarantee Form" effective May, 2011.

5. DBPR EL-4520, "Workers' Compensation and Release Authorization," effective May, 2011.

6. DBPR EL-4521, "Unemployment Compensation and Payroll Tax Certification," effective May, 2011.

7. DBPR EL-4507, "Health Insurance Statement," effective May, 2011.

8. DBPR EL-4522, "Quarterly Compliance Form," effective May, 2011.

9. DBPR-0050-1, "Explanatory Information for Background Questions," effective May, 2011; and

10. DBPR-0060-1, "General Explanatory Description," effective May, 2011.

(b) All forms referenced above, together with the instructions for completing them, are incorporated herein by reference and may be obtained from the Board's office at 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or from its Website located at www.myflorida.com/dbpr/pro/emplo/forms.html. Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, electronic fingerprints through the Department's vendor fingerprint cards, explanations of answers, and other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

(2) The application fee shall be \$250 for each employee leasing company applicants, ~~\$106.75~~ 150 for each controlling person applicants, \$250 for each change of ownership applicants, and registration fees for de minimus operations of \$250 for a single employee leasing company and \$500 for a de minimus ~~an~~ employee leasing company group.

(3) License fees shall be assessed as follows:

(a) For initial licensure applications to be effective in the first year of the biennium:

1. ~~\$600.00~~ 1,000 for each controlling person;
2. ~~\$900.00~~ 1,500 for each employee leasing company;
3. ~~\$1,500~~ 2,500 for each employee leasing company group.

(b) For initial licensure applications to be effective in the second year of the biennium:

1. ~~\$300~~ 500 for each controlling person;
2. ~~\$450~~ 750 for each employee leasing company;
3. ~~\$750~~ 1,250 for each employee leasing company group.

(c) For renewal licensure applications:

1. ~~\$600~~ 1,000 for each controlling person;
2. ~~\$900~~ 1,500 for each employee leasing company;
3. ~~\$1,500~~ 2,500 for each employee leasing company group.

(d) For purposes of this rule the first year of the biennium shall end on April 30 of every odd ~~even~~-numbered year.

(e) through (f) No change.

(4) through (5) No change.

(6) In determining that an applicant meets the licensure requirements in Section 468.525, F.S., the Board must find that the applicant:

(a) In the case of an individual applying for licensure as a controlling person:

1. through 3. No change.

4. Notwithstanding the foregoing, an applicant shall not be deemed to meet the requirements of Section 468.525(1)(c), F.S., if the applicant has been affiliated directly or indirectly with any person, persons or entities (not only an employee leasing company) whose business operations are being or have been operated in a manner detrimental to clients, employees, governmental agencies, investors or creditors through the improper manipulation of assets or accounts. The foregoing shall apply only if the applicant would have been considered a "controlling person" of any such entity as that term is defined in Section 468.520(7), F.S. "Business operations which are deemed to be detrimental to clients, employees, governmental agencies, investors or creditors" shall mean a history, pattern or significant incidence of the following:

a. through f. No change.

5. If any person applying for licensure as a controlling person, pursuant to Section 468.525, F.S., has engaged in the activities set forth in sub-subparagraphs 4.a. through f. above, this shall not be deemed to be an automatic bar to licensure. In determining whether to approve an applicant for licensure in spite of such activities, the Board shall consider the following factors:

a. through e. No change.

6. Any controlling person's license approved by the board shall exist only in conjunction with a license granted to an employee leasing company. When any controlling person ceases to meet the statutory and rule criteria to be a controlling person then the controlling person's license shall expire and become null and void. If a controlling person notifies the Department within ninety (90) days of the event which ends the individual's status as a controlling person that the individual is going to become a controlling person with another

employee leasing company then a new controlling person license will be issued upon payment of a \$5.00 ~~transfer application fee and written notification to the Department from all employee leasing companies involved.~~ For such an application only, the background checks required of all initial controlling person applicants shall be waived insofar as the information would be available from the previous licensure file.

(b) In the case of a sole proprietorship, partnership, corporation, or other form of business entity applying for licensure as an employee leasing company:

1. through 4. No change.

5. Has provided with the application a certificate of workers' compensation insurance coverage which shall name the Board as a Certificate Holder and shall provide for a minimum of 30 days' notification of cancellation or if a policy from the Florida ~~Workers' Compensation Joint Underwriting Underwriters Association (FWCJUA JUA) or from any carrier authorized by the Florida Office of Insurance Regulation~~ is to be utilized by the applicant, the applicant has provided a letter from the ~~FWCJUA or other authorized carrier JUA~~ which sets forth that the policy will issue immediately upon licensure by the Board, and the policy issues ~~from the JUA~~ within thirty (30) days of the ~~FWCJUA or other authorized carrier's JUA~~ notification from the Board that the applicant has been approved subject to the ~~JUA~~ policy issuing. The employee leasing company may not contract to provide any services to leased employees until the ~~JUA~~ policy has issued.

6.a. Has provided with the application ~~a valid certificate of workers' compensation insurance coverage, pursuant to Rule 61G7-10.0014, F.A.C., for all copies of the declaration pages and all endorsements on all plans for worker's compensation insurance covering leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with the new certificate of workers' compensation insurance coverage copies of any policies, declaration pages and endorsements~~ within sixty (60) days; or

b. Has supplied the Board a letter signed by an agent or a carrier authorized to bind coverage on behalf of such carrier, which substantially reads as follows:

Board of Employee Leasing Companies
 Division of Business and Professional Regulation
 Northwood Centre
 1940 North Monroe Street
 Tallahassee, Florida 32399

RE: _____

Dear _____:

Enclosed is a copy of the Certificate of Liability Insurance for _____ is an authorized agent and has the authority to bind coverage with _____. This policy number is _____, effective from _____ to _____ and issued to _____. This policy provides coverage to leased employees in Florida.

7.a. ~~With regard to all plans of group insurance for the provision of health benefits to leased employees, has Has provided the Board a signed statement that is substantially in the form set forth in paragraph 61G7-5.001(12)(b), F.A.C. with the application copies of the policies, declaration pages and all endorsements on all plans or arrangements of group insurance for the provision of health benefits to leased employees. Notice of any changes in these insurance plans shall be submitted to the Department in writing along with copies of any policies, declaration pages and endorsements within sixty (60) days; or An additional signed statement shall be submitted to the Board within (60) days of any material change in any such plan offered to leased employees.~~

b. ~~Has supplied the Board the affidavit set forth in paragraph 61G7-5.001(12)(b), F.A.C.~~

(7) No change.

(8) If the Board determines that an applicant is not qualified for licensure it shall notify the applicant of its intent to deny the applicant's application, which notice shall become a final order of the Board after 21 days. Within this 21-day period the applicant may file with the Board's office a request for ~~formal or informal~~ hearing pursuant to Section 120.57(1) or (2), F.S. A request for ~~formal~~ hearing pursuant to Section 120.57(1), F.S. shall comply with the requirements of Rule ~~28-106.201 28-5.201~~, F.A.C.

(9) through (11) No change.

(12)(a) ~~Every employee leasing company or employee leasing company group which sponsors a plan for health benefits for its employees shall submit a complete copy of the plan or health insurance policy to the Board for review to insure compliance with subsection 468.529(1), F.S. In the event that the Board's review indicates that the submitted plan or policy is a self-insured plan of health benefits, the applicant or licensee shall submit an amended policy in conformity with subsection 468.529(1), F.S.~~

(b) ~~As an alternative to the submission of the plan or health insurance policy as provided in paragraph (a) the The applicant or licensee, within (60) days of a licensee's obtaining a plan of group insurance for the provision of health benefits shall may submit a signed statement an affidavit from the insurer showing that the policy or plan is in compliance. Such statement Nothing in this rule shall impose any requirement on any insurer to provide such an affidavit. In the event that an affidavit is submitted, it shall be in substantially the following form:~~

AFFIDAVIT

I, ~~(name of signatory), after being duly sworn upon my oath, depose and state:~~

1. I am employed by (name of employer) as (position). (Name of employer), is an admitted insurance carrier in the State of Florida. I possess the authority to make the following statements on behalf of (name of employer) and to bind (name of employer) concerning the statements made herein.

2. It is my understanding that, ~~as a requirement for licensure as an employee leasing company in Florida,~~ an employee leasing company may not sponsor a plan of self-insurance for health benefits except as may be permitted by the provisions of the Florida Insurance Code or, if applicable, by Pub. L. No. 93-406, the Employees Retirement Income Security Act. (name of insurer) Group Insurance Policy # issued to (name of leasing company), is in compliance with the requirements of this law as it is a fully insured insurance product which is fully insured by (name of insurer). Notwithstanding any provision in the policy which could be interpreted to the contrary (name of insurer) is ultimately fully responsible for all incurred claims under the terms of the policy.

After having read the above statements, I ~~state swear that~~ they are true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NAUGHT.

~~Subscribed to before me this _____ day of _____, 20____, by, who being known to me/ produced written identification in the form of _____, and did take an oath.~~

Notary Public
My Commission Expires _____

Rulemaking Specific Authority ~~420.53(1), 455.2281, 468.522, 468.524, 468.5245, 468.5275~~ FS. Law Implemented ~~455.213(11), 455.2281, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529~~ FS. History—New 5-5-92, Amended 7-15-92, 10-20-92, Formerly 21EE-5.001, Amended 10-24-93, 3-14-94, 7-4-94, 9-8-94, 11-13-94, 2-13-95, 6-4-95, 11-9-95, 5-26-96, 5-19-97, 4-29-99, 9-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2011
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Board of Accountancy
RULE NO.: 61H1-27.001 RULE TITLE: College or University Requirements
PURPOSE AND EFFECT: The Board proposes the rule amendment to add Hong Kong to a list of countries with Board-approved college or university accounting programs to mirror the recent recognition by the U.S. International Qualifications Appraisal Board.

SUMMARY: Hong Kong will be added to a list of countries with Board-approved college or university accounting programs to mirror the recent recognition by the U.S. International Qualifications Appraisal Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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: 473.304, 473.306 FS.
LAW IMPLEMENTED: 473.306 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61H1-27.001 College or University Requirements.
(1) An accredited college or university within the meaning of Section 473.306, F.S., is a four-year degree granting college or university in the State University System or other four-year degree granting educational institution accredited at the time applicant’s degree was received by virtue of membership in one of the following regional accrediting agencies so listed:
 - (a) through (g) No change.
 - (h) Canadian, Mexican, Irish, Australian, ~~and~~ New Zealand, and Hong Kong academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.
- (2) through (4) No change.
- (5)(a) A graduate of a four-year degree granting institution not accredited at the time the applicant’s degree was received or at the time of filing application will be deemed to be a graduate of a four-year accredited college or university course provided an accredited college or university as defined by

subsections 61H1-27.001(1) and (2), F.A.C., accepts applicant's non-accredited baccalaureate degree for admission to a graduate business degree program; the applicant satisfactorily completes at least 15 semester or 22 quarter hours, or the equivalent, in post-baccalaureate education at the accredited institution of which at least 9 semester or 13 quarter hours, including at least 3 semester or 4 quarter hours in taxation; or the equivalent, shall be in accounting; and the accredited college or university verifies that the applicant is in good standing for continuation in the graduate program (or has maintained a grade point average in these courses that is necessary for graduation). The advanced subjects completed to qualify under this rule may not be used to satisfy the requirements of Rules 61H1-27.002 and ~~61H1-27.003~~, F.A.C. Elementary accounting subjects, or courses equivalent to elementary accounting, cannot be used to satisfy the requirements of this rule. Elementary accounting subjects include principles of financial and managerial accounting courses even if they are covered in a three-course sequence, are titled "introductory," "fundamentals," or "principles," and even if they are offered at the graduate level.

(b) No change.

Rulemaking Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05, 4-9-06, 8-13-06, 12-27-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2011

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-210.200
RULE TITLE: Definitions

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0877) incorporate into the state's air pollution control rules several elements related to control of fine particulate matter (PM_{2.5}) emissions from industrial facilities like electric utilities, pulp mills, and cement kilns.

SUMMARY: Revisions are needed to the definitions at Rule 62-210.200, F.A.C., to establish PM_{2.5} as a pollutant with a significant emissions rate, thereby making industrial facilities that emit PM_{2.5} potentially subject to preconstruction review for major stationary sources and major modifications (at Chapter 62-212, F.A.C.). The proposed amendments are consistent with federal regulation, policy, and guidance, and they do not impose any requirements beyond or in addition to

the minimum federal program. Based on the statement of estimated regulatory costs, the proposed rule amendments are not expected to require legislative ratification.

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

EFFECT ON THOSE RULES: The amendments would have no impact in the following referencing Rules 62-204.200, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-213.202, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.600, and 62-297.100, F.A.C. The amendments would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-212.100, 62-212.500, and 62-212.720, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has prepared a SERC, which concludes that the amended rule imposes costs only in very rare circumstances because PM_{2.5} is a subset of pollutants that are already controlled. Thus, most (if not all) sources of PM_{2.5} emissions are already subject to preconstruction review for stationary sources because they emit other air pollutants and few (if any) facilities will be subject to regulation only because of their direct PM_{2.5} emission rates. Based upon the SERC, the agency has determined that the rule is not likely to, directly or indirectly, 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 5 years after the implementation of the rule; that the rule is not likely to, directly or indirectly, have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule; and that the rule is likely to increase the total state-wide regulatory costs for all regulated entities by no more than \$42,000 during the 5 years after the implementation of this rule (This is an estimate of total regulatory costs for all regulated entities in the state over a 5-year period, not an annual cost for each regulated entity). Based upon the SERC analysis the agency has determined that legislative ratification is not required.

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: 403.061 FS.

LAW IMPLEMENTED: 403.061 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.
 PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida
 Any proposed amendment or other comments or objections should be presented in accordance with paragraph 62-110.103(2)(b), F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us.

The department will accept public comments on the proposed rulemaking. Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-204, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (36) No change.

(37) “Baseline Area” – ~~The area (and every part thereof) designated as a prevention of significant deterioration (PSD) area under Rule 62-204.360, F.A.C., in which the facility or major modification establishing the minor source baseline date would construct or in which the emissions of the facility (or the significant net increase in emissions for a major modification) would have a predicted air quality impact equal to or greater than one microgram per cubic meter (annual average) of the pollutant for which the minor source baseline date is established.~~

(a) The baseline area for sulfur dioxide is all of the state.
(b) The baseline area for nitrogen dioxide is all of the state.

(c) The baseline area for PM₁₀ is all of the state.

(d) The baseline area for PM_{2.5} is all of the state.

(38) “Baseline Concentration” – For each pollutant for which a minor source baseline date is established and for each averaging time for which a maximum allowable increase is established, the ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date. A baseline concentration is determined for each pollutant for which a minor source baseline date is established and for each averaging time for which a maximum allowable increase is established in Rule 62-204.260, F.A.C.

(a) through (d) No change.

(39) through (76) No change.

(77) “Class I Area” – The following areas are designated as Class I areas.

(a) Areas designated at 40 C.F.R. Part 81, Subpart D, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) Bradwell Bay National Wilderness Area.

(78) “Class II Area” – All areas of the state are designated Class II except for those areas designated Class I.

(77) through (90) renumbered (79) through (92) No change.

(93) “Condensable Particulate Matter” or “Condensable PM” – Gaseous emissions from a source or activity which condense at ambient temperatures to form particulate matter.

(94) “Condensable PM₁₀” – Gaseous emissions from a source or activity which condense at ambient temperatures to form PM₁₀.

(95) “Condensable PM_{2.5}” – Gaseous emissions from a source or activity which condense at ambient temperatures to form PM_{2.5}.

(91) through (186) renumbered (96) through (191) No change.

(192)(187) “Major Source Baseline Date” – Pursuant to 40 C.F.R. 51.166(b)(14)(i) 51.166(14)(i), adopted and incorporated by reference at in Rule 62-204.800, F.A.C.:

(a) In the case of PM₁₀ ~~particulate matter~~ and sulfur dioxide, January 6, 1975; ~~and~~

(b) In the case of nitrogen dioxide, February 8, 1988; ~~and~~

(c) In the case of PM_{2.5}, October 20, 2010.

(188) through (191) renumbered (193) through (196) No change.

(197) “Maximum Allowable Increase” or “PSD Increment” – A maximum allowable increase over the baseline concentration as set forth at 40 C.F.R. § 52.21(c), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(192) through (195) renumbered (198) through (201) No change.

~~(202)~~(196) “Minor Source Baseline Date” – Pursuant to 40 C.F.R. 51.166(b)(14)(ii), adopted and incorporated by reference at ~~in~~ Rule 62-204.800, F.A.C., the minor source baseline date for each pollutant for which maximum allowable increases have been established under Rule ~~62-204.260~~, F.A.C., is as follows the earliest date after August 7, 1977, for particulate matter and sulfur dioxide, and February 8, 1988, for nitrogen dioxide, that a facility or a modification subject to preconstruction review under 40 C.F.R. 52.21, Rule 17-2.500 (transferred), or Rule 62-212.400, F.A.C., submits a complete application for permit under such regulations provided that:

(a) The sulfur dioxide minor source baseline date for the sulfur dioxide baseline area is December 27, 1977; On the date the complete application is filed, the area in which the facility or modification would be constructed is designated as attainment or unclassifiable for the applicable pollutant under 42 U.S.C. Section 7407(d)(1) of the Clean Air Act (if the application is filed under 40 C.F.R. 52.21), or as a PSD area under Rule 17-2.450 (transferred), 62-275.700 (repealed), or 62-204.360, F.A.C., (if the application is filed under Rule 17-2.500 (transferred) or 62-212.400, F.A.C.); and

(b) The nitrogen dioxide minor source baseline date for the nitrogen dioxide baseline area is March 28, 1988; In the case of a facility, the emissions of the applicable pollutant would be equal to or greater than the significant emissions rate as defined under Rule 62-210.200, F.A.C., or, in the case of modification, there would be a significant net emissions increase of the pollutant.

(c) The PM₁₀ minor source baseline date for the PM₁₀ baseline area is December 27, 1977; and

(d) The PM_{2.5} minor source baseline date for the PM_{2.5} baseline area is October 21, 2011.

(197) through (235) renumbered (203) through (241) No change.

~~(242)~~(236) “PM₁₀” –

(a) ~~With respect to concentrations in the atmosphere, PM₁₀ means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 C.F.R. Part 50 Appendix J, adopted and incorporated by reference in Rule 62-204.800, F.A.C., and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rule 62-212.400 or 62-212.500, F.A.C., PM₁₀ emissions shall include condensable PM₁₀. Compliance with PM₁₀ emissions limitations originating in a permit issued pursuant to Rules

62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on condensable PM₁₀ unless required by the terms and conditions of the permit. With respect to emissions, PM₁₀ means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the atmosphere as measured by an applicable reference method or by an equivalent or alternative method specified in 40 C.F.R. Part 51, Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(243) “PM_{2.5}” –

(a) PM_{2.5} means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(b) For purposes of Rules 62-212.400 and 62-212.500, F.A.C., including determinations of applicability and establishment of limitations to avoid applicability of Rules 62-212.400 or 62-212.500, F.A.C., PM_{2.5} emissions shall include condensable PM_{2.5}. Compliance with PM_{2.5} emissions limitations originating in a permit issued pursuant to Rules 62-212.400 or 62-212.500, F.A.C., and issued prior to January 1, 2011, shall not be based on condensable PM_{2.5} unless required by the terms and conditions of the permit.

(237) through (274) renumbered (244) through (281) No change.

~~(282)~~(275) “Significant Emissions Rate” –

(a) With respect to any emissions increase or any net emissions increase, or the potential of a facility to emit any of the following pollutants, significant emissions rate means a rate of pollutant emissions that would equal or exceed:

1. A rate listed at 40 C.F.R. 52.21(b)(23)(i), adopted and incorporated by reference at Rule 62-204.800, F.A.C.; specifically, any of the following rates:

a. through c. No change.

d. Particulate matter: 25 tpy;

~~(I) 25 tpy of particulate matter emissions;~~

~~(II) 15 tpy of PM₁₀ emissions;~~

e. PM₁₀: 15 tpy;

f. PM_{2.5}: 10 tpy of direct PM_{2.5} emissions, 40 tpy of sulfur dioxide emissions, or 40 tpy of nitrogen oxides emissions;

e. through o. renumbered g. through q. No change.

2. No change.

(b) Significant emissions rate also means, for the pollutants listed above in paragraph (a), any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area and have an impact on such area equal to or greater than 1 microgram per cubic meter µg/m³, 24-hour average.

(c) No change.

~~(283)~~(276) “Significant Impact” – An impact of emissions on ambient air quality in excess of any of the following pollutant-specific concentration values:

(a) through (b) No change.

(c) ~~PM_{2.5}~~.

1. Maximum 24-hour concentration not to be exceeded more than once per year – 0.07 micrograms per cubic meter for Class I areas; 1.2 micrograms per cubic meter for all other areas.

2. Annual arithmetic mean – 0.06 micrograms per cubic meter for Class I areas; 0.3 micrograms per cubic meter for all other areas.

(c) through (e) renumbered (d) through (f) No change.

(277) through (332) Renumbered (284) through (339) No change.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-212.300	General Preconstruction Review Requirements
62-212.400	Prevention of Significant Deterioration (PSD)

PURPOSE AND EFFECT: The proposed rule amendments (OGC No. 10-0878) incorporate into the state’s air pollution control rules several elements related to control of fine particulate matter (PM_{2.5}) emissions from industrial facilities like electric utilities, pulp mills, and cement kilns.

SUMMARY: Revisions are needed to Chapter 62-212, F.A.C., to incorporate PM_{2.5} into the state’s preconstruction review program for major stationary sources and major modifications. The proposed amendments are consistent with federal regulation, policy, and guidance, and they do not impose any requirements beyond or in addition to the minimum federal program. Based on the statement of estimated regulatory costs, the proposed rule amendments are not expected to require legislative ratification.

OTHER RULES INCORPORATING THIS Rule 62-212.300, F.A.C., is referenced in Rules 62-4.050, 62-210.200, 62-210.300, 62-210.370, 62-212.500, and 62-212.600, F.A.C. Rule 62-212.400, F.A.C., is referenced in Rules 62-4.050, 62-204.200, 62-204.220, 62-204.320, 62-210.200, 62-210.300, 62-210.310, 62-210.340, 62-210.350, 62-210.550, 62-212.300, 62-212.500, 62-212.600, 62-212.710, 62-212.720, 62-296.416, 62-296.500, and 62-296.700, F.A.C.

EFFECT ON THOSE RULES: The amendments to Rule 62-212.300, F.A.C., would have no impact in the following referencing Rules 62-210.370, 62-212.500, and 62-212.600, F.A.C. The amendments to Rule 62-212.300, F.A.C., would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-210.300, F.A.C.

The amendments to Rule 62-212.400, F.A.C., would have no impact in the following referencing Rules 62-204.200, 62-204.220, 62-204.320, 62-210.340, 62-210.350, 62-210.550, 62-212.300, 62-212.500, 62-212.600, 62-212.710, 62-212.720, 62-296.416, 62-296.500, and 62-296.700, F.A.C. The amendments to Rules 62-212.400, F.A.C., would have the intended impact, as discussed in the summary, in the following referencing Rules 62-4.050, 62-210.200, 62-210.300, 62-210.310, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has prepared a SERC, which concludes that the amended rule imposes costs only in very rare circumstances because PM_{2.5} is a subset of pollutants that are already controlled. Thus, most (if not all) sources of PM_{2.5} emissions are already subject to preconstruction review for stationary sources because they emit other air pollutants and few (if any) facilities will be subject to regulation only because of their direct PM_{2.5} emission rates. Based upon the SERC, the agency has determined that the rule is not likely to, directly or indirectly, 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 5 years after the implementation of the rule; that the rule is not likely to, directly or indirectly, have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule, and that the rule is likely to increase the total state-wide regulatory costs for all regulated entities by no more than \$42,000 during the 5 years after the implementation of this rule (This is an estimate of total regulatory costs for all regulated entities in the state over a 5-year period, not an annual cost for each regulated entity). Based upon the SERC analysis the agency has determined that legislative ratification is not required.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.061 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Any proposed amendment or other comments or objections should be presented in accordance with paragraph 62-110.103(2)(b), F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Marnie Brynes at (850)717-9029 or marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice. Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399, telephone (850)245-2288, e-mail patricia.comer@dep.state.fl.us, or Chad Stevens, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400, telephone (850)717-9089, e-mail chad.r.stevens@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.300 General Preconstruction Review Requirements.

This rule shall apply to the proposed construction or modification of all emissions units and facilities for which an air construction permit is required pursuant to subsection 62-210.300(1), F.A.C.

(1) General Prohibitions.

(a) through (e) No change.

(f) The Department shall account for condensable PM₁₀ and condensable PM_{2.5} in applicability determinations and in establishing emissions limitations for PM₁₀ and PM_{2.5} in permits issued pursuant to Rules 62-212.400 or 62-212.500, F.A.C., and in permits issued to establish limitations to avoid applicability of Rules 62-212.400 or 62-212.500, F.A.C.

(2) through (3) No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.520, 17-212.300, Amended 11-23-94, 1-1-96, 10-28-97, 2-2-06, 10-6-08, 6-29-09, _____.

62-212.400 Prevention of Significant Deterioration (PSD). ~~The provisions of this rule generally apply to the construction or modification of air pollutant emitting facilities in those parts of the state in which the state ambient air quality standards are being met. The provisions of this rule also establish various requirements for existing emissions units and facilities in such areas, including specific construction/operation permit requirements.~~

(1) General Provisions.

(a) No person shall construct any new major stationary source or undertake any major modification except in compliance with the provisions of this rule and, where applicable, Rule 62-212.500, F.A.C. Emissions of an affected pollutant from a new major stationary source or major modification which is located in or proposed to be located in any nonattainment area are not subject to this rule Rule 62-212.400, F.A.C.

(b) through (c) No change.

(2) No change.

(3) Exemptions.

(a) through (d) No change.

(e) The requirements of subsection 62-212.400(7), F.A.C., as they relate to monitoring for a particular pollutant shall not apply if:

1. The emissions increase of the pollutant from the new major stationary source or the net emissions increase of the pollutant from the major modification would cause, in any area, air quality impacts less than the amounts listed at 40 C.F.R. § 52.21(i)(5), adopted and incorporated by reference at Rule 62-204.800, F.A.C., specifically the following amounts:

a. Carbon monoxide – 575 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, eight-hour average;

b. Nitrogen dioxide – 14 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, annual average;

c. PM_{2.5} – 4 micrograms per cubic meter, 24-hour average;

d.e. PM₁₀ Particulate matter – 10 micrograms per cubic meter $\mu\text{g}/\text{m}^3$ of ~~PM-10~~, 24-hour average;

~~e.d.~~ Sulfur dioxide – 13 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, 24-hour average;

~~f.e.~~ No change.

~~g.f.~~ Lead – 0.1 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, three-month average;

~~h.g.~~ Fluorides – 0.25 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, 24-hour average;

~~i.h.~~ Total reduced sulfur – 10 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, one-hour average;

~~j.i.~~ Hydrogen sulfide – 0.2 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, one-hour average;

~~k.j.~~ Reduced sulfur compounds – 10 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, one-hour average; and

~~l.k.~~ Any concentration previously listed at the table at Rule 62-212.400-3, F.A.C.; specifically, Mercury – 0.25 micrograms per cubic meter $\mu\text{g}/\text{m}^3$, 24-hour average; or

2. No change.

(4) No change.

(5) Source Impact Analysis. ~~The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:~~

(a) Required Demonstration. The owner or operator of the proposed major stationary source or major modification shall demonstrate that allowable emission increases from the proposed major stationary source or major modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

~~1.(a)~~ Any ambient air quality standard in any air quality control region; or

~~2.(b)~~ Any applicable maximum allowable increase over the baseline concentration in any area.

(b) Significant Impact Levels. For purposes of $\text{PM}_{2.5}$, the demonstration required in paragraph 62-212.400(5)(a), F.A.C., is deemed to have been made if the emissions increase from the new major stationary source alone or from the major modification alone would cause, in all areas, air quality impacts less than the following amounts:

1. Annual averaging time – 0.06 micrograms per cubic meter in a Class I area, and 0.3 micrograms per cubic meter in all other areas.

2. 24-hour averaging time – 0.07 micrograms per cubic meter in a Class I area, and 1.2 micrograms per cubic meter in all other areas.

(6) through (13) No change.

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

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-296.341

RULE TITLE: Regional Haze – Reasonable Progress Control Technology

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment (OGC 11-1598) is to repeal rule requirements for permitting that are now rendered unnecessary by changes to federal requirements and which are unnecessarily burdensome.

SUMMARY: The proposed rules to be repealed involve requirements for visibility protection that can be met without additional permitting actions by the department.

OTHER RULES INCORPORATING THIS RULE: None

EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that repeal of 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 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 the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice. This rulemaking will not require ratification by the Florida Legislature because the rule is being repealed to reduce unnecessary regulatory costs.

RULEMAKING AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 19, 2012, 9:00 a.m.

PLACE: Conference Room A, Marjory Stoneman Douglas Building, 3900 Commonwealth Blvd., Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Marnie Brynes, Florida Department of Environmental Protection, Division of Air Resource Management, Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400. Telephone (850)717-9029. E-mail marnie.brynes@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The department will accept public comments on the proposed rulemaking, within a 21 day time period, beginning the day following publication of this notice (day one). Comments may be sent to Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Patricia E. Comer, Assistant General Counsel, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399, Telephone (850)245-2288, E-mail patricia.comer@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.341 Regional Haze – Reasonable Progress Control Technology.

Rulemaking Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New 2-7-08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Halpin, Director, Division of Air Resource Management
 NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard, Jr., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-4.007
 RULE TITLE: Military Spouse Temporary Professional License Fee

PURPOSE AND EFFECT: This new rule sets the application fee for a new type of temporary license.

SUMMARY: Pursuant to new legislation, this rule sets the application fee for a military spouse temporary license at \$65.00.

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: 456.024(3) FS.

LAW IMPLEMENTED: 456.024, 456.065(3) 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.007 Military Spouse Temporary Professional License Fee.

The application fee shall be \$65.00.

Rulemaking Authority 456.024(3) FS. Law Implemented 456.024, 456.065(3) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lola Pouncey
 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 16, 2011
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-9.003
 RULE TITLE: Military Spouse Temporary License

PURPOSE AND EFFECT: To establish the procedure for applying for a temporary license for spouses of active duty members of the armed forces stationed in Florida who wish to practice a health care profession in Florida.

SUMMARY: This rule references the requirements for obtaining a military spouse temporary license and adopts the application form that must be completed to apply for the 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: 456.024(3) FS.

LAW IMPLEMENTED: 456.024(3) 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: Lola Pouncey, Bureau Chief, Bureau of Operations and Management Services, 4052 Bald Cypress Way, Bin #C10, Tallahassee, FL 32399-3260

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.003 Military Spouse Temporary License.

To obtain a temporary license to practice in Florida for 12 months in any health care profession, an eligible spouse of any active duty member of the Armed Forces must submit fingerprints for a criminal history check, hold a valid license in another jurisdiction, establish eligibility to take the appropriate examination and entitlement to full licensure under the appropriate practice act, and otherwise comply with section 456.024(3), F.S., by submitting a completed application on the incorporated by reference form DH-MQA 1251, 09/11, at _____, which also may be obtained from the Department at http://doh.state.fl.us/mqa/app_temp_Lic_Military_Spouses.pdf or by writing to the Department of Health, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin C-01, Tallahassee, FL 32399.

Rulemaking Authority 456.024(3) FS. Law Implemented 456.024(3) FS. History--New _____.

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 16, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.007
RULE TITLE: Fees for Application, Examination, Examination Review and Initial Licensure

PURPOSE AND EFFECT: To clarify and update language in order to comply with statutes, and to change the electrology exam fee.

SUMMARY: The proposed change will reduce the Electrologist licensure examination fee from \$150.00 to \$135.00.

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 amendments 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: 478.55(1) FS.

LAW IMPLEMENTED: 456.017, 456.033(5), 478.55 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, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

(1) through (2) No change.

(3) Examination fee is as listed in Rule 64B-1.016, Florida Administrative Code, and is to be paid directly to the testing vendor \$135.

~~(4) Examination review fee is \$75.~~

~~(4)(5)~~ Initial licensure fee is \$100 and a \$5 special fee to fund efforts to combat unlicensed practice.

~~(5)(6)~~ Inspection fee for facility is \$100 biennially.

Rulemaking Authority 478.55(1) FS. Law Implemented 456.017, 456.033(5), 478.55 FS. History—New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended 4-18-06, 2-23-10,_____.

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 13, 2011

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: To clarify the list of entities approved offering awardable continuing education credits and clarify the language of the rule.

SUMMARY: To clarify the list of entities approved offering awardable continuing education credits and clarify the language of the rule.

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), 478.50(2), (4)(a), (b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (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: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) All licensees shall be awarded contact hours for attendance at all offerings that are approved by the Electrolysis Society of Florida (ESF), or the Electrolysis Association of Florida (EAF), or the American Electrology Association, or the Society of Clinical and Medical Hair Removal, and all offerings from other states which are approved by the states' licensing agency or professional electrology organization which offerings have been approved by the American Electrology Association, or the Society of Clinical and Medical Hair Removal, or any ~~technical school~~ college or university course, or course approved pursuant to Rule 64B8-53.001, F.A.C., taken and successfully completed for the first time by the licensee in a subject area relevant to electrolysis. The licensee shall provide verification upon request of the Department.

(3) through (7) No change.

Rulemaking Authority 478.43(1), (4), 478.50(2), (4)(a), (b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2), (4)(a), (b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00, 8-13-02, 4-26-09,_____.

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: September 30, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 14, 2010

DEPARTMENT OF HEALTH

Board of Naturopathic Examiners

RULE NOS.: RULE TITLES:
64B28-3.001 Annual Educational Requirements
64B28-3.002 Exceptions

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

SUMMARY: Rules 64B28-3.001 and 64B28-3.002, F.A.C., were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, and, thus, are appropriate for repeal. These are the only rules in Rule Chapter 64B28-3, F.A.C. There are no other rules incorporating these rules.

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: 462.04 FS.

LAW IMPLEMENTED: 462.18 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: Joy Tootle, Executive Director, 4052 Bald Cypress Way, Bin #C-03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B28-3.001 Annual Educational Requirements.

Rulemaking Specific Authority 462.04 FS. Law Implemented 462.18 FS. History--New 12-8-77, Formerly 21N-3.001, Repealed.

64B28-3.002 Exceptions.

Rulemaking Specific Authority 462.04 FS. Law Implemented 462.18. History--New 12-8-77, Formerly 21N-3.02, 21N-3.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joy Tootle

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, Jr., M.D., Ph.D., F.A.C.P., State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2011

DEPARTMENT OF HEALTH

Board of Respiratory Care Therapy

RULE NO.: RULE TITLE:
64B32-2.001 License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the revised application

SUMMARY: The rule amendment will update the revised date
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: 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.

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 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, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the state of Florida shall apply on Form DH-MQA 1145, Application by

Endorsement, Revised 07/11 ~~04/10~~, incorporated herein as this Board’s application form and available on the web at <http://www.doh.state.fl.us/mqa/respiratory/index.html>.

(2) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(3) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a)1. That the applicant holds the “Registered Respiratory Therapist” or “Certified Respiratory Therapist” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2. That the applicant holds licensure, or the equivalent, to deliver respiratory care in another state and such licensure was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456 or Chapter 468, Part V, F.S., or the rules promulgated thereunder.

(c) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

(d) An applicant who has not practiced respiratory care for 2 years or more must complete a Board-approved comprehensive review course or be recredentialed in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Rulemaking Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History—New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, 5-25-09, 5-10-10, 10-6-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF HEALTH

Board of Respiratory Care Therapy

RULE NO.: 64B32-6.001
RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: The Board proposes the rule amendment to meet required hours for Continuing Education Requirements.

SUMMARY: The rule amendment will update the revision number of hours to meet requirements.

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

RULEMAKING AUTHORITY: 456.013(7), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 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, Board of Respiratory Care Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) The Legislature and the Board have determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills. To this end,

continuing education is required as a condition for renewal of licensure of all respiratory care personnel without regard to the avenue taken to licensure.

(2) Each licensee shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education except as provided in Rule 64B32-6.001, F.A.C.

(3) Those persons initially licensed during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements, except for the Medical Errors course and HIV/AIDS course pursuant to subsection (5) of this rule and Section 456.033, F.S., for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) A licensee who ~~also~~ holds a current license as a Certified Respiratory Therapist (CRT) or holds a current license in another health care profession may satisfy the continuing education requirement for issuance a renewal of the Registered Respiratory Therapist (RRT) or renewal of the CRT ~~this~~ license with hours counted toward renewal of another license as long as the hours meet all the requirements of this rule chapter.

(5) Beginning with the biennium ending May 31, 2015, a licensee needs twenty-four (24) hours per biennium in order to renew the license, of which (2) credit hour(s) must include Florida laws and rules to bring the licensee up to date on laws and rules of the Board and the regulatory agency under which the Board operates.

The hours can be obtained in the following manner:

(a) Florida laws and rules.

~~(b)(a)~~ Direct Delivery Services 2 credit hour(s) Mandatory for all of Respiratory Care licenses: A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.

1. Medical Errors Mandatory part of Direct Delivery Services Requirements for all licensees: 2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.

2. HIV/AIDS Mandatory part of Direct Delivery Services Requirements for the initial renewal of all licensees, Optional for subsequent renewals: At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within the last five (5) years prior to either initial licensure or first renewal.

3. Emergency Preparedness Mandatory part of Direct Delivery Services Requirements for all licensees 2 hour course offered by a board approved CE provider.

(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques) No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.

(c) Home Study Courses Limitation applicable to all licensees: No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

(6) A licensee needs twenty-four (24) hours of Continuing Education each biennium in order to renew a Respiratory Care License. None of these hours can be obtained by taking Basic Life Support (BLS) training.

Rulemaking Authority 456.013(7), 468.361(2) FS. Law Implemented 468.361 FS. History--New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05, 10-28-07, 5-15-08, 8-4-09, 4-25-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-5.115
 RULE TITLE: Mental Health Personnel
 PURPOSE AND EFFECT: Rule 65E-5.115, F.A.C., is being repealed because the rule lacks statutory mandate and is an unnecessary restatement of statute.

SUMMARY: 65E-5.115, F.A.C., is 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:

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: 394.457(5), 394.46715 FS.
 LAW IMPLEMENTED: 394.455, 394.457(5)(a) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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 2 days before the workshop/meeting by contacting: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 331, Tallahassee, Florida 32399-0700. 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: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 331, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.115 Mental Health Personnel.

Rulemaking Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.455, 394.457(5)(a) FS. History—New 4-4-05, Amended 1-8-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Anson, Substance Abuse and Mental Health Program Office, Department of Children and Families, (850)717-4330
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary, Department of Children and Families
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-10.013	Applicability
65E-10.014	Definitions
65E-10.016	Licensing Requirements
65E-10.018	Client Eligibility for Placement in Residential Treatment Programs
65E-10.019	Cost Sharing
65E-10.021	Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove language made obsolete by the promulgation of Chapter 65E-9, F.A.C., Licensure of Residential Treatment Centers and to update guidelines for residential placement of uninsured children and youth by the Department of Children and Families with general revenue funds.

SUMMARY: This chapter establishes standards for providing treatment services to children with emotional disturbance in residential programs that are solely funded by the Department of Children and Families.

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: 394.4781(3) FS.
 LAW IMPLEMENTED: 394.4781(3) 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: Kimberley E. Brown, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 296, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-10.013 Applicability.

(1) These rules shall apply to the placement of children in residential treatment programs funded by Department of Children and Families to provide treatment services to children who have an emotional disturbance.

(2) No change.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History—New 3-1-84, Formerly 10E-10.13, Amended 4-8-96, 8-12-96, Formerly 10E-10.013, Amended _____.

65E-10.014 Definitions.

When used in Rules 65E-10.013 through 65E-10.018, F.A.C., 65E-10.021, F.A.C., unless otherwise clearly written in the text:

(1) “Child and family specific team” means a defined group of people that includes the child and his/her family, a behavioral health representative from the Department of Children and Families or their designee, and any individuals important in the child’s life who are identified and invited to participate by the child and family. “Clinical director” means a person with a master’s degree and two years of “specialty” experience in a clinical capacity with severely emotionally disturbed children.

~~(2) “Continuum of care” means alcohol, drug abuse and mental health services ranging from the least restrictive prevention services to the most restrictive residential programs. The continuum is prevention-oriented in that it promotes early problem identification and intervention to reduce the need for more restrictive, intrusive, longer term treatment programs. The following services comprise the continuum of care:~~

- ~~(a) Prevention services;~~
- ~~(b) Diagnostic and evaluation services;~~
- ~~(c) Outpatient services;~~
- ~~(d) Day treatment services;~~
- ~~(e) Crisis counseling services;~~
- ~~(f) Residential programs; and,~~
- ~~(g) Treatment or receiving facilities.~~

~~(3) “Hazardous procedure” means aversive conditioning, any activity that places the client at physical risk or pain, or any experimental treatment methodology.~~

~~(2)(4) “Child” means any person under the age of 18.~~

~~(3)(8) “Psychiatrist” means a medical practitioner licensed under Chapter 458, F.S. as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.~~

~~(4) “Psychologist” means a mental health service provider as defined in Section 490.003(7), F.S., licensed to practice in Florida with experience in working with children and adolescents.~~

~~(5) “Nurse” means a person licensed as a registered nurse or practical nurse and two years’ experience, of which one must be general nursing experience and the other in a specialty area working with children and adolescents.~~

~~(6) “Nursing assessment” means a general assessment conducted by a registered nurse in accordance with provisions of Section 464.003(3)(a)1. of the Nurse Practice Act. It does not serve as the physical examination required by Section 394.459(2)(c), F.S.~~

~~(5)(9) “Residential treatment program” means any program providing 24 hour live-in care and therapeutic services and includes the following:~~

~~(a) “Wilderness therapeutic service” means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.~~

~~(a)(b) “Therapeutic foster home” means a residential program in a community-based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to natural parents and others as determined in the treatment plan.~~

~~(b)(e) “Therapeutic group home” means a 24 hour residential treatment program licensed under Chapter 65E-9, F.A.C., providing community-based mental health services in a home-like group setting for up to twelve children who meet the criteria in Section 394.492(5) or (6), F.S. eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.~~

~~(c)(d) “Residential treatment center for children and adolescents” means any 24 hour residential program as defined in Section 394.67(21), F.S. providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.~~

~~(6) “System of Care” means a spectrum of effective, community-based services and supports for children and youth with or at risk for mental health or other challenges and their families, that is organized into a coordinated network, builds meaningful partnerships with families and youth, and addresses their cultural and linguistic needs, in order to help~~

them to function better at home, in school, in the community, and throughout life. The following services comprise the system of care.

(a) Prevention services;

(b) Diagnostic and evaluation services;

(c) Outpatient services;

(d) Day treatment services;

(e) Crisis counseling services;

(f) Residential programs; and,

(g) Treatment or receiving facilities;

(h) Other services and supports designed to build resilience and support recovery.

~~(7) "Physician" means a medical practitioner as licensed pursuant to Chapter 458 or 459, F.S.~~

~~(8) "Psychiatrist" means a medical practitioner as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.~~

~~(9) "Residential program" means programs providing 24 hour live in care and therapeutic services and includes the following:~~

~~(a) "Wilderness therapeutic service" means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.~~

~~(b) "Therapeutic foster home" means a residential program in a community-based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to natural parents and others as determined in the treatment plan.~~

~~(c) "Therapeutic group home" means a 24-hour residential program providing community-based mental health services in a group setting for up to eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.~~

~~(d) "Residential treatment center" means a 24-hour residential program providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.~~

~~(10) "Restraint" means restraining the child's limbs, head or body by the use of mechanical or physical devices; for example, straps, cuffs, harnesses, mittens, camisoles, for the purpose of preventing a person from inflicting injury upon themselves or others.~~

~~(11) "Seclusion" means to isolate and contain in a room those children who pose an imminent threat of physical harm to themselves or others. The room shall incorporate features which substantially reduce the possibility of children doing harm to themselves or leaving the room without authorization.~~

~~Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History--New 3-1-84, Formerly 10E-10.14, Amended 4-8-96, Formerly 10E-10.014, Amended 9-14-98, _____.~~

~~65E-10.016 Licensing Requirements.~~

~~(1) Children shall be placed in residential treatment programs which meet the applicable licensing standards of Chapters 65E-9 and 65C-14, F.A.C., or Chapter 395, F.S., or in the case of foster homes, are certified as therapeutic foster homes. All participating residential treatment programs must meet the applicable licensing requirements as indicated in Chapters 65C-13, 65C-14, 65C-15, F.A.C.~~

~~(2) It shall be the responsibility of the provider to secure the required licensure or certification and to make verification of such licensure or certification available to the Department upon request.~~

~~Rulemaking Specific Authority 409.165(1), 409.175(1), (2) FS. Law Implemented 394.4781(4), 409.145, 409.165, 409.175 FS. History--New 3-1-84, Formerly 10E-10.16, Amended 4-8-96, Formerly 10E-10.016, Amended _____.~~

~~65E-10.018 Client Eligibility for Placement in Residential Treatment Programs.~~

~~(1) through (1)(a) No change.~~

~~(b) Be assessed within 90 days prior to placement as emotionally disturbed by a clinical psychologist or by a psychiatrist licensed to practice in the State of Florida, with experience or training in children's disorders; who attests, in writing, that: be impaired to the extent that residential services are required; and~~

~~1. The child has an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.A.C.;~~

~~2. The emotional disturbance or serious emotional disturbance requires treatment in a residential treatment setting;~~

~~3. A less restrictive than residential treatment setting is not available or clinically recommended;~~

~~4. The treatment provided in the residential treatment setting is reasonably likely to resolve the child's presenting problems as identified by the psychiatrist or psychologist;~~

~~5. The nature, purpose, and expected length of treatment have been explained to the child and the child's parent or guardian.~~

~~(c) Have been staffed at a assessed by minimum by the child and family specific appropriate district multidisciplinary team and been presented with all available options for treatment determined eligible for service.~~

~~(2) General revenue funds designated as children's mental health funding State Children's Mental Health funding, purchase of services, shall not be used to maintain children over the age of 18 in programs encompassed by these rules or to place a child for whom no appropriate services are available~~

in Florida in an out of state residential treatment program which is not an approved Medicaid provider in the state where the child is being placed.

(3) Placement of children and youth in therapeutic out of home settings with general revenue funds is dependent on the availability of funds.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History–New 3-1-84, Formerly 10E-10.18, Amended 4-8-96, Formerly 10E-10.018, Amended _____.

65E-10.019 Cost Sharing.

Rulemaking Specific Authority 394.4781(3)(c) FS. Law Implemented 394.4781(3)(c), (4), 409.2561 FS. History–New 3-1-84, Formerly 10E-10.19, 10E-10.019, Repealed _____.

65E-10.021 Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents.

Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History–New 3-1-84, Formerly 10E-10.21, Amended 4-8-96, Formerly 10E-10.021, Amended 9-14-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kimberley E. Brown, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 296, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary Department of Children and Families

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
5J-8.003 Registration

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. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-8.003 Registration.

Any person who intends to open or operate as a dance studio shall, prior to offering dance studio services, register with the Department using DACS Form 10700, Dance Studio

Registration Package, 07/11 7-01-10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Dance Studios, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500; or accessed online at ~~the following link:~~ http://www.flrules.org/Gateway/reference ~~http://www.doacs.state.fl.us/onestop/forms/10700.pdf~~. The registrant shall submit the registration fee to the Department at the time of registration for each dance studio location. The registration fee shall be non-refundable. The registrant shall submit with ~~form~~ DACS Form 10700, 07/11 7-01-10, a copy of each contract offered to the public relating to the sale of dance studio services.

Rulemaking Authority 501.143(12), FS. Law Implemented 501.143(3), (4), (5), FS. History–New 3-22-93, Amended 6-23-94, 5-24-95, 2-11-98, 9-14-03, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-4.003	Public Use Forms
12B-4.060	Tax on Transfers of Ownership Interest in Legal Entities

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.

Subparagraph 1. of paragraph (b) of subsection (1) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that subparagraph will read:

1. “Conduit entity” means a legal entity, or its successor entity, to which real property is transferred without full consideration by a grantor who owns a direct or indirect interest in the entity.

Subsection (3) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that subsection will read:

(3) The tax is based on the consideration paid or given for the ownership interest in the conduit entity, which includes the amount of any mortgage attached to real property that was transferred to the conduit entity. If the conduit entity owns assets other than the real property referred to in subsection (2), tax is calculated by multiplying the consideration for the interest in the conduit entity by the tax rate and then multiplying the result by a fraction, the numerator of which is the value of the real property referred to in subsection (2) and the denominator of which is the value of all assets owned by the conduit entity.

Paragraph (d) of subsection (9) of Rule 12B-4.060, F.A.C., has been changed so that, when adopted, that paragraph will read: